



Commandant  
United States Coast Guard

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COMDTNOTE 12271

MAR 30 2001

COMMANDANT NOTICE 12271

CANCELED: MAR 30 2002

Subj: CH-1 TO COAST GUARD NONAPPROPRIATED FUND (NAF) PERSONNEL MANUAL,  
COMDTINST M12271.1A

1. PURPOSE. The purpose of this Notice is to provide changes to the subject Manual. The contents are intended for all units with Nonappropriated Fund employees.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of headquarters units, assistant commandants for directorates, Chief Counsel, and special staff officers at Headquarters shall ensure that the changes are implemented.
3. SUMMARY OF CHANGES. Significant changes are marked by a vertical line in the outer margin. Editorial changes are not marked. Various chapters were affected by the changes to clarify and expand definition of context. Significant changes, summarized below, were made to Chapters 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 18 and 19.
  - a. Chapter 1. Paragraph G. on page 1-5 was revised.
  - b. Chapter 2. Paragraph b.18 on Page 2-5 was revised.
  - c. Chapter 3. Paragraph B.7. on page 3-2 was revised. Paragraph C.9. on page 3-3 was deleted. Paragraph H.4.d. on page 3-9 and paragraph H.5. on page 3-10 was revised.
  - d. Chapter 4. Paragraph E.4.b. on page 4-4, paragraph L.1. on page 4-12 and paragraph Q.1.a. on page 4-15 was revised.

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A																										
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- e. Chapter 7. Paragraph B.2. on page 7-1 and paragraph C.10. on page 7-5 was revised. Subparagraph h. was added onto paragraph G.4.g. on page 7-17.
  - f. Chapter 8. Revised to reflect new evaluation systems for all pay band and crafts and trades employees. Exhibit 8-4 Deleted.
  - g. Chapter 9. Paragraph D. on page 9-2 and paragraph M. on page 9-9 was revised.
  - h. Chapter 10. Paragraph G.3. on page 10-5 was revised.
  - i. Chapter 11. Paragraph J.9. on page 11-6 was revised.
  - j. Chapter 12. Paragraph L.2. on page 12-8 was deleted.
  - k. Chapter 18. Subparagraphs h., i. and j. was added to paragraph H.2. on page 18-4. Paragraph I.4. on page 18-5 and paragraph I.5. on page 18-6 was revised.
  - l. Chapter 19. Paragraph E.5.b.(3). on page 19-3 was revised.
  - m. Chapter 21. Table was revised under paragraph B. on page 21-1.
4. PROCEDURES. Remove and insert the following pages:

<u>Remove</u>	<u>Insert</u>
Page i through viii	Page i through viii
Page 1-5	Page 1-5
Page 2-5 through 2-6	Page 2-5 through 2-6
Page 3-1 through 3-27	Page 3-1 through 3-26
Page 4-3 through 4-4	Page 4-3 through 4-4
Page 4-11 through 4-12	Page 4-11 through 4-12
Page 4-15 through 4-16	Page 4-15 through 4-16
Page 7-1 through 7-29	Page 7-1 through 7-29
Page 8-1 through Exhibit 8-4	Page 8-1 through Exhibit 8-4
Page 9-1 through 9-11	Page 9-1 through 9-11
Page 10-5 through 10-6	Page 10-5 through 10-6
Page 11-5 through 11-6	Page 11-5 through 11-6
Page 12-7 through 12-10	Page 12-7 through 12-10
Page 18-1 through 18-6	Page 18-1 through 18-6
Page 19-1 through 19-4	Page 19-1 through 19-4

COMDTNOTE 12271

Remove

Page 21-1 through 21-2  
Page 21-5, Page 1 through 21-6, Page 5  
Delete page number at the bottom of page  
Starting with Page 21-7, Page 1 through 21-24,  
Page 2

Insert

Page 21-1 through 21-2  
N/A  
Pen and ink new page number  
in accordance with table on Page 21-1.

Encl: (1) CH-1 to Coast Guard Nonappropriated Fund (NAF) Personnel Manual,  
COMDTINST 12271.1A

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## TABLE OF CONTENTS

---

Chapter 1	General Concept and Policy	
A.	Summary	1-1
B.	Applicability	1-1
C.	Purpose	1-1
D.	Employee Status Definitions	1-2
E.	Responsibilities	1-2
F.	Policy	1-3
G.	Nonappropriated Fund Employees' Legal Status	1-5
Chapter 2	Standards of Conduct	
A.	General	2-1
B.	Policy	2-1
C.	Required Training	2-6
Chapter 3	Employment and Staffing	
A.	Scope	3-1
B.	Policy	3-1
C.	Noncompetitive Personnel Actions	3-2
D.	Competitive Personnel Actions	3-4
E.	Recruiting	3-5
F.	Accepting Applications	3-6
G.	Rating Applications	3-7
H.	Selection and Appointment Action	3-8
I.	Probation	3-19
J.	Americans with Disabilities Act	3-20
K.	Denying Employment	3-22
L.	Employing Military Personnel	3-22
Exhibit 3-1	Pre-Appointment Certification Statement For Selective Service Registration	
Exhibit 3-2	Employment Inquiry	
Exhibit 3-3	NAF Employee Orientation (Check-off List)	
Chapter 4	Salary and Wages	
A.	Scope	4-1
B.	Policy	4-1
C.	Responsibilities	4-1
D.	Basic Requirements for Pay	4-2
E.	Prevailing Rate System (Crafts and Trades)	4-2
F.	Determining Prevailing Rate Positions' Pay Rates	4-6
G.	Pay Banding System	4-7

H.	Pay Band Employees' Salary Adjustments	4-7
I.	Basic Rate	4-8
J.	Premium Pay	4-8
K.	Grade and Pay Retention	4-12
L.	Dual Compensation	4-12
M.	Withholding Taxes	4-12
N.	Tips	4-13
O.	Miscellaneous Provisions	4-13
P.	Computing Back Pay	4-14
Q.	Commercial Garnishment of Federal Employee's Pay	4-15

## Chapter 5      Position Classification and Appeals

A.	Purpose	5-1
B.	Policy	5-1
C.	Authorities and Responsibilities	5-1
D.	Classifying Positions	5-2
E.	The Position Description (PD) (Crafts and Trades)	5-3
F.	The Standard Position Guide (SPG) (Pay Band)	5-3
G.	Classification Procedures	5-3
H.	Classification Review	5-5
I.	Supervisor's Role in Classification Reviews	5-5
J.	When New Position Descriptions Are and Are Not Required	5-6
K.	Appealing Position Classifications	5-6
L.	Appeal Contents (Crafts and Trades Positions Only)	5-7
M.	Effective Date of Appeal Decision	5-7
N.	Matters Not Admitted Under The Classification Appeal Procedures	5-8

## Chapter 6      Work Hours

A.	Authority	6-1
B.	Establishing Workweeks	6-1
C.	Establishing Tours of Duty	6-1
D.	Special Consideration in Establishing Work Schedules	6-2
E.	Rest Periods	6-3
F.	Meal Periods	6-3
G.	Incidental Duties	6-3
H.	Legal Holidays	6-4
I.	Authority	6-4
J.	Determining Holidays	6-4

## Chapter 7      Administering Leave

A.	General	7-1
B.	Service Computation Date	7-1

C.	Annual Leave	7-2
D.	Voluntary Leave Transfer	7-7
E.	Sick Leave	7-8
F.	Absence Without Pay	7-13
G.	Family and Medical Leave Act of 1993	7-15
H.	Absence for Parental and Family Responsibilities	7-18
I.	Court Leave	7-20
J.	Military Leave for Training (MLT)	7-22
K.	Funeral Leave	7-24
L.	Compensatory Time Off	7-24
M.	Excused Absences	7-26

## Chapter 8      Performance Evaluations and Ratings

A.	Applicability	8-1
B.	Purpose	8-1
C.	Coverage	8-1
D.	Definitions (General)	8-1
E.	Responsibilities	8-3
F.	Performance Evaluation Process for Pay Band and Crafts and Trades Employees	8-5
G.	Minimum Rating Period and When to Rate	8-8
H.	Resolving Disagreements Over the Rating	8-8
I.	Linkage With Other Personnel Decisions or Actions	8-8
J.	Performance Related Compensation	8-10
K.	Within Grade Increase (WGI), Crafts and Trades Only	8-11
L.	Records Maintenance	8-12
M.	Disposing of Records	8-12
N.	Intermittent (WAE) Employee Performance Evaluation	8-12
Exhibit 8-1	Intermittent (WAE) Employee Performance Evaluation	
Exhibit 8-2	Award Recommendation Transmittal	
Exhibit 8-3	Sample Letter: Performance Improvement Plan (PIP)	

## Chapter 9      Disciplinary and Adverse Actions

A.	General Policy	9-1
B.	Coverage	9-1
C.	Definitions	9-2
D.	Staff Support	9-2

---

---

E.	Relationship to the Employee Assistance Program	9-3
F.	Relationship to Equal Employment Opportunity Complaints	9-3
G.	Preliminary Investigations	9-3
H.	Determining Appropriate Action	9-4
I.	Disciplinary Actions	9-4
J.	Official Time	9-7
K.	Rejecting A Representative	9-8
L.	Considering A Medical Condition(s)	9-8
M.	Official Case File	9-9
N.	Delivering Disciplinary Action Correspondence	9-9
O.	Employee's Voluntary Action	9-9
P.	Leave Abuse Problems	9-9
Q.	Relevant Factors	9-10
Exhibit 9-1	Discussion Documentation Sheet	
Exhibit 9-2	Schedule of Offenses and Remedies	
Exhibit 9-3	Sample Letter: Letter of Reprimand	
Exhibit 9-4	Sample Letter: Notice of Suspension	
Exhibit 9-5	Sample Letter: Notice of Removal	
Exhibit 9-6	Letter of Requirement	
Chapter 10	Employee Grievances	
A.	Purpose	10-1
B.	Policy	10-1
C.	Commandant's Role	10-1
D.	Definitions	10-1
E.	Subject Scope	10-2
F.	Right to Present	10-4
G.	Informal Procedures	10-4
H.	Formal Grievance Procedures	10-6
I.	Discrimination Allegations	10-7
J.	Combining Grievances	10-8
K.	Canceling a Grievance	10-8
L.	Grievance File	10-8
M.	Obtaining a Hearing Examiner	10-9
N.	Grievance Hearings	10-9
Chapter 11	Incentive Awards	
A.	Purpose	11-1
B.	Policy	11-1
C.	Types of Awards	11-1
D.	Coverage	11-1

---

---

E.	Grievances	11-1
F.	Confidentiality	11-1
G.	Responsibilities	11-2
H.	Time Off From Duty As An Incentive Award	11-3
I.	On-The-Spot Cash Awards	11-4
J.	Special Act or Services Awards	11-4
K.	Career Service and Retirement Recognition	11-6
L.	Coast Guard Honorary Awards	11-7
M.	Departmental Honorary Awards	11-12
N.	Other Honorary Awards	11-16
O.	Presidential Awards	11-17
 Chapter 12    Reduction in Force (RIF)		
A.	Purpose	12-1
B.	Scope	12-1
C.	Advance Planning and Information	12-1
D.	Definitions	12-1
E.	Policy	12-2
F.	Transfer of Function	12-3
G.	Establishing a Retention Register	12-3
H.	Changes in Standing on a Retention Register	12-5
I.	Effecting a Reduction in Force (RIF)	12-5
J.	Reduction in Force (RIF) Notice and Notice Periods	12-6
K.	Placing Employees Affected by Reduction in Force (RIF)	12-7
L.	Reduction in Force Records	12-8
M.	Reviewing Reduction in Force (RIF) Actions	12-8
N.	Reemployment Priority List	12-9
O.	Special Instructions for Reducing Regularly Scheduled Duty Hours	12-9
P.	Dissolving a Nonappropriated Fund Activity	12-10
Exhibit 12-1	Sample Letter: Notice of Reduction in Force (RIF)	
 Chapter 13    Employee Development		
A.	General Policy	13-1
B.	Responsibilities	13-1
C.	Funding	13-1
D.	Reviewing Training Requests	13-1
E.	Selecting Employees for Training	13-1
F.	Commandant (G-WPX) Responsibilities	13-2
G.	Activity Responsibilities	13-2
H.	Managers and Supervisors	13-2

---



---

I.	Employees	13-3
J.	Self-Development	13-3
K.	Counseling Employees	13-3
L.	Informing Employees of Training Opportunities	13-3
M.	Permanent Record of Training	13-3
N.	Funding College and University Training	13-4
O.	Continued Service Agreement	13-4
P.	Paying Employees	13-5
Q.	Protecting Government Interests	13-5
Chapter 14	Labor Management Relations	
A.	General	14-1
B.	Definitions	14-1
C.	Membership	14-2
D.	Supervisory Responsibilities	14-2
Chapter 15	Unemployment Compensation	
A.	Purpose	15-1
B.	Background	15-1
C.	Unemployment Compensation Benefits Criteria	15-1
D.	Notice of Personnel Action, Standard Form 50 (SF-50)	15-2
E.	Employee Information	15-2
F.	Notice to Federal Employee About Unemployment Insurance, Standard Form 8 (SF-8)	15-3
G.	Request for Wage and Separation Information-UCFE, ES-931, and Request for Separation Information for Additional Claim- UCFE, ES-931-A	15-4
H.	Computing Basic Benefits	15-6
I.	Reducing Unemployment Compensation Benefits	15-6
J.	Unemployment Compensation Benefit Claim Procedures	15-7
K.	Coast Guard Payment of Benefits	15-7
L.	Quarterly Billing Procedures	15-8
M.	Employee Unemployment Compensation Benefit Records	15-8
N.	Appeals	15-8
O.	Notice of Reduction in Force for 25 or More Employees	15-9
P.	Penalties for Fraud	15-9
Exhibit 15-1	Table of Inadequate/Adequate Justifications to Include in SF-50 When Documenting Separations	

---

---

Chapter 16	Longshore and Harbor Workers' Compensation Act	
A.	Introduction	16-1
B.	Responsibilities	16-1
C.	Coverage	16-1
D.	Liability	16-1
E.	Exclusive Remedy	16-1
F.	Compensation Under the Act	16-2
G.	Medical Services and Supplies	16-2
H.	Total Disability	16-3
I.	Partial Disability	16-3
J.	Special Fund Relief	16-4
K.	Settling claims	16-5
L.	Employee Wage Report	16-5
M.	Compensation for Death	16-5
N.	Notice of Claim	16-6
O.	Paying Compensation	16-6
P.	Agreement to Waive Compensation	16-6
Q.	Presumptions	16-6
R.	Reports	16-6
S.	Statute of Limitations	16-6
T.	False Statements	16-7
U.	Third-Party Liability	16-7
V.	Compensation Notice	16-7
W.	Discrimination	16-7
Chapter 17	Equal Employment Opportunity (EEO)	
A.	Policy	17-1
B.	Key Equal Employment Opportunity (EEO) Program Elements	17-1
C.	Local Action Plans	17-1
D.	Supervisory Responsibilities	17-2
E.	Discrimination Complaints	17-2
F.	Discrimination Complaints Based on Sexual Orientation	17-3
G.	Negotiated EEO Complaints	17-3
H.	Supervisory Self-Evaluation Checklist	17-4
Chapter 18	Personnel Records, Files, and Reports	
A.	Introduction	18-1
B.	Exceptions	18-1
C.	Records Systems	18-1

---

---

D.	Duplication	18-2
E.	Records Disposal	18-2
F.	Definitions	18-2
G.	Official Personnel Folder (OPF)	18-3
H.	Official Personnel Folder (OPF) Documents	18-3
I.	Safeguarding Personnel Records	18-5
Chapter 19	Separations	
A.	General Policy	19-1
B.	Actions Covered	19-1
C.	Actions Excluded	19-1
D.	Voluntary Separations	19-1
E.	Involuntary Separations	19-2
F.	Processing Procedures	19-4
Chapter 20	Nonappropriated Fund (NAF) Portability Program	
A.	Applicability	20-1
B.	Requirement	20-1
C.	Coverage and Effective Date	20-1
D.	Appointments	20-1
E.	Pay Provisions For Moves From Nonappropriated Fund to Competitive Service Positions	20-2
F.	Pay Provisions For Moves From Competitive Service to Nonappropriated Fund Positions	20-3
G.	Crediting Service in Waiting Periods for Within Grade Step Increases (Voluntary and Involuntary Moves)	20-5
H.	Crediting Service towards Promotion Time-in-Grade Requirements (Voluntary and Involuntary)	20-5
I.	Crediting Time-in-Service in Computing Severance Pay (Voluntary and Involuntary)	20-6
J.	Retirement	20-6
K.	Annual and Sick Leave	20-9
L.	Health and Life Insurance	20-9
M.	Reduction in Force (Voluntary and Involuntary Moves)	20-10
N.	Probation Status (Voluntary and Involuntary Moves)	20-11
O.	Tenure	20-11
Chapter 21	Forms	21-1

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- a. Representatives in the servicing personnel office;
  - b. An equal employment opportunity counselor;
  - c. If a bargaining unit employee, a labor organization official;
  - d. A person designated to provide guidance on questions about or indicating a conflict of interest;
  - e. A supervisor or manager of higher rank or level than the immediate supervisor.
1. Employees have the right to participate or not in voluntary fund-raising campaigns and purchase United States Savings Bonds without compulsion, coercion, or reprisal.
  2. Supervisors will treat employees with full regard for their dignity as individuals and not use their wage grade or pay band as the basis to decide their trustworthiness.
  3. Title 5 CFR and Coast Guard appropriated fund personnel regulations do not apply to NAF employees unless specifically noted or cited in laws, Executive Orders and Coast Guard directives applicable to appropriated fund personnel. This regulation reflects laws, Executive Orders, and Coast Guard directives applying to nonappropriated fund activities, including appropriate citations and references to applicable CFR and other Government procedures and requirements.
  4. A NAF employee may supervise appropriated fund employees, including military personnel.
- G. Nonappropriated Fund Employees' Legal Status. Section 2105, Title 5, United States Code (5 USC 2105), excludes NAF employees from Office of Personnel Management (OPM) jurisdiction of laws it administers for Federal Government employees except for specific laws stated in 5 USC 2105. For all other purposes, NAF employees are Federal Government employees. The Office of Personnel Management has the authority to establish pay rates for prevailing rate employees under 5 USC 5342 provisions further detailed in 5 CFR 532.

- b. Reasonably may be expected to discredit the CGES, MWR Program, or the Government.
  - c. Otherwise contradicts the policy stated above, including such acts as accepting a fee, compensation, gift, honorarium, expense reimbursement, or any other valuable item under circumstances that might result in or indicate a conflict of interest.
15. While on Government owned, controlled, or leased property or otherwise on duty for the CGES and MWR Programs, NAF personnel must not participate in any gambling activity, including a lottery or poll, a game for money or property, or selling or purchasing a number slip or ticket.
16. Nonappropriated fund personnel must not solicit, accept, or agree to accept anything of value other than their official compensation in return for performing or refraining from performing their duties or any other official act.
17. The statute 5 USC 7102 establishes NAF employees' individual and collective right to petition Congress or any of its Members or furnish information to any Congressional committee or Member. This statute protects letters, petitions, and other communications to Congress. While the CGES and MWR Programs would prefer employees try to resolve any problem or grievance locally, supervisors and managers must not restrain or coerce any employees exercising their rights to correspond with a Member of Congress.
18. All CGES and MWR managers will establish local work rules. These differ from disciplinary actions and standards of conduct because they inform employees what is expected of them at each location, whose standards, dress codes, and requirements may differ. Typical sample work rules appear below. Managers shall give a copy of each organization's work rules to their employees and to the personnel management specialist at Commandant (G-WPX), who will advise if any are inappropriate or may violate an employee's rights. Managers shall ensure employees sign a statement acknowledging receipt of the organization's work rules and place this statement on the left side of the OPF.
- a. Employees must be at their appointed workplaces ready to work at the regular starting time and shall work at such workplace until the scheduled regular quitting time.
  - b. Employees shall not conduct any personal business during working hours.
  - c. Where prescribed, an employee must wear the safety articles and use protective equipment provided at all times and immediately report any injury or accident.
  - d. An employee shall wear clothing appropriate to the position he or she holds. Jeans are appropriate to wear in a warehouse but not in positions involving public contact.

- e. An employee may not neglect his or her own job, duties, and responsibilities or refuse to perform assigned work.
- f. An employee may not use telephones for personal calls.
- g. An employee may not fight.
- h. An employee may not engage in horseplay.

C. Required Training.

1. The Coast Guard conducts ethics training every 3rd year on site at specific units. For more information on ethics training or question on how to obtain an ethics training package contact Commandant (G-LGL). Commanding officers for MWR and CGES regional managers will identify employees required to take ethics training.
2. The Office of Civil Rights at Coast Guard Headquarters sponsors Sexual Harassment Prevention Training for all Coast Guard personnel and notifies each command when and where training will take place. Managers and supervisors can arrange with the trainers to conduct special sessions for CGES, MWR, and Child Development Center employees during off-duty hours or on a staggered basis during work hours.





## CHAPTER 3. EMPLOYMENT AND STAFFING

A. Scope. This Chapter applies to all current nonappropriated fund (NAF) employees and employment applicants, as appropriate. It also includes instructions on employing off-duty military personnel.

B. Policy.

1. Managers and supervisors will fill all NAF positions with the best-qualified persons available. When filling newly established or vacated positions, management personnel will review and evaluate all applicants' qualifications, including those of current employees. Current employees includes those absent for legitimate reasons, e.g., on detail, on leave, at training courses, in the military service, and on leave-without-pay (LWOP), whom management normally would consider as meeting the position's minimum qualifications if they were present. Follow the Office of Personnel Management (OPM) Qualifications Standards Handbook where applicable. If no standards exist, the personnel staff at Commandant (G-WPX) will develop them.
2. For any position management will select the best-qualified candidate available based solely on job-related criteria. Management may not designate a position to be filled by only either off-duty military members or civilians.
3. Management will strictly observe Equal Employment Opportunity (EEO) provisions; see Equal Employment Opportunity, Chapter 17 of this Manual.
4. Management is prohibited from employing, appointing, or promoting relatives of commissioned and noncommissioned officers and civilian officials whose positions exercise jurisdiction or control over the employing NAF or any organizational unit in the chain-of-command.
  - a. Management may employ relatives of military personnel and civilians assigned to or employed by the NAF provided neither a supervisory relationship nor a situation creating the appearance of favored treatment or collusion exist.
  - b. For these purposes "relative" includes: parent, child, sibling, uncle, aunt, first cousin, nephew, niece, spouse, grandparents, parents-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepsibling, and half-sibling.
  - c. This policy does not prohibit one activity manager from employing a relative of another activity's manager, provided the related manager does not advocate the relative's employment. For example, a club or the exchange may employ a relative of the same unit's convenience store manager.
5. All civilian personnel occupying permanent full and part-time positions paid from nonappropriated funds have reemployment rights after military service in the United

States Armed Forces. If denied reemployment after military service, such veterans may file an administrative grievance under the procedures of Administrative Appeals and Grievances, Chapter 10 of this Manual.

6. Under this regulation a NAF activity's authorized civilian personnel employment will:
    - a. Comply with applicable Federal labor laws.
    - b. Conform to the state or U. S. Territorial labor laws applicable where the employing NAF is located.
  7. Under Title 5, United States Code, Sections 5531(2), and 5533(a) (5 USC 5531(2), and 5533(a)), a NAF employee is subject to the prohibition against dual pay and employment in the Federal Service. A NAF civilian employee is entitled to receive basic pay from only one position, whether paid by appropriated or nonappropriated funds, for more than 40 total hours of work in 1 calendar week, for example, Sunday through Saturday; see Hours of Work, Chapter 4 of this Manual. Commanding officers for MWR and Commandant (G-WPX) may approve exceptions to this requirement in special circumstances when they cannot otherwise readily obtain employees for the position in question. Since the restriction is statutory (5 USC 5533), exceptions must meet the requirements of Title 5, Code of Federal Regulations, Section 550.503 (5 CFR 550.504). Retain records of exceptions available for audit for a 2-year period. Send a copy of each exception's record to the personnel staff at Commandant (G-WPX).
  8. Employees may serve in two or more positions using multiple appointments provided they work only a maximum of 40 total hours per week. This may include two part-time, one part-time and one intermittent or two intermittent appointments. Document separate appointment actions on a Notification of Personnel Action, Standard Form 50 (SF-50). Establish separate time records for each job. Supervisors and managers will monitor time worked to ensure employees holding two or more positions routinely work 40 or fewer hours a work week.
  9. Management may not establish maximum age requirements for appointments to NAF positions.
  10. The 5 USC 7321,7327 on political activity applies to NAF employees.
  11. The gaining NAF may reimburse a promoted or transferring permanent employee's transportation and travel costs. The vacancy announcement will state transportation and travel costs are negotiable. Before negotiations, the gaining NAF activity must contact Commandant (G-WPX) for specific guidelines.
- C. Noncompetitive Personnel Actions. Under this regulation management may fill positions noncompetitively by any of these methods:

1. Reemployment from a reemployment priority list resulting after a Reduction in Force (RIF).
2. Promotion to a grade previously held permanently from which the employee was separated or demoted for other than performance or conduct reasons, for example, due to a RIF action.
3. Transferring an employee from a position in any Coast Guard NAF activity into one of the same grade or pay band at another NAF activity with a break in service of less than 1 full work day.
4. Reassigning an employee to another position comparable in grade, salary, wage category or pay band, and employment category. The employee must possess documented skills applicable to the new position that clearly demonstrate his or her qualifications.
5. Reinstating a former non-probationary Coast Guard NAF employee whose separation was voluntary or resulted from a RIF to a position comparable in grade, salary, wage category or pay band, provided the employee is reinstated within 1 year after the date of separation.
6. Re-employing a former NAF employee subject to this regulation who has reemployment rights after military service.
7. Employing the incumbent of a position converted from the competitive service, a contract operation, or a private association to NAF.
8. Promoting an employee if the initial action was competitive and the vacancy announcement stated the position might become permanent and had known promotion potential.
9. Promoting an employee in a position upgraded with new position classification standards or a new position guide or to correct the classification of his or her duties or responsibilities without significantly changing them.
10. Promoting an employee serving in a trainee, under study, or apprentice position.
11. Promoting an employee demoted without personal cause within 1 year of the demotion.
12. Change on status of position due to an increase or decrease in hours that continued over a period of 90 calendar days (see Paragraph H.9.1.(2) on page 3-18 in this Chapter).
13. Promoting employees in positions meriting reclassification to a higher grade or pay band after adding duties and responsibilities if these requirements are satisfied:
  - a. The selecting official does not supervise employees at the same grade or pay band performing duties identical to those the employees performed before the duties

and responsibilities were added.

- b. The employee continues to perform the same basic function(s) as in the former position and these duties are administratively absorbed into the new position.
- c. Adding the duties and responsibilities does not adversely affect another encumbered position.
- d. The employee meets all the position's qualification requirements.

14. In emergencies where delay in filling a position would cause serious disruption to the work, action may be taken to fill a position noncompetitively for a period not longer than 30 days. Such an emergency temporary appointment must be fully justified and have the approval of the Exchange or Morale Manager. By the end of the 30-day period, the appointment must be terminated. In unusual circumstances, the installation commander or region director (for CGES) may approve extension not to exceed 30 additional days. During periods of mobilization or national emergencies, positions may be filled without regard to other requirements in this Chapter.

15. Changing the same position from intermittent to a part-time or full-time status or the same position from a part-time to a full-time status.

D. Competitive Personnel Actions. Competitive procedures apply to these types of personnel actions:

- 1. Time-limited promotions of more than 120 days to higher graded positions (prior service during the preceding 12 months under noncompetitive time-limited promotions and noncompetitive details to higher graded positions count toward the 120 day total). A temporary promotion may be made permanent without further competition if it originally was made under competitive procedures and management personnel informed all potential candidates it might lead to a permanent promotion.
- 2. Details for more than 120 days to a higher-graded position or one with more promotion potential.
- 3. Temporary appointments for a period of 1 year. Management may extend a temporary appointment for an additional year up to 24 months.
- 4. Converting a temporary to a permanent appointment unless the initial vacancy was announced as having potential for permanent status.
- 5. A term appointment for between 1 and 4 years if the need for an employee's services is temporary. Reasons for making a term appointment include: project work, extraordinary workload, scheduled abolishment, reorganization, contracting out the function, uncertainty of future funding, or the need to maintain permanent positions for employees who otherwise would be displaced from other parts of the organization.

E. Recruiting.

1. The personnel office will ensure all these actions are completed before initiating action to fill a position:
  - a. Personnel has properly classified a position for title, series, and grade or pay band level, prepared a position description or standard position guide (SPG) and attached it to a Position Description, Optional Form 8 (OF-8). The personnel staff at Commandant (G-WPX) uses the SPG or standard position description number to assign a competitive level.
  - b. Personnel has followed Paragraph B.1. of this Chapter's provisions in establishing minimum written qualification requirements.
  - c. The written qualification requirements do not restrict competition to one individual.
  - d. If a military incumbent last occupied the position, its initiator must clearly demonstrate the proposed change to civilian status meets a bona fide management need and is not designed to afford civilian employment to the position's current or former military occupant.
  - e. Submit requests to announce vacant CGES pay band level 4 and 5 positions to Commandant (G-WPX) on a Request for Personnel Action, Standard Form 52 (SF-52), for approval.
2. Publicize vacancies at least 1 work week.
  - a. If the local MWR program or CGES activity has sufficient qualified applicants available, vacancy announcements may limit applications to those employees only.
  - b. Commandant (G-WPX) will announce all positions at pay band levels 4 and 5 Coast Guard-wide and outside.
  - c. Fill positions with high turnover rates by continuously advertising or posting vacancy announcements that specify no closing date.
  - d. No publicity is required for positions filled under Paragraph C. provisions of this Chapter.
3. In addition to advertising internally, publicize a vacancy by advertising in newspapers, professional journals, and the Coast Guard Personnel Command (CGPC) Vacancy Web Site; announcements on local radio stations; or requesting candidates from the U. S. Employment Service local office. Obtain the source's assurance it complies with equal employment opportunity policies.
4. All vacancy announcements should contain:

- a. Title, series, and grade or pay band level.
- b. Hourly rate for all non-exempt positions and annual salary for exempt positions.
- c. Position location.
- d. Work schedule and differential information, if appropriate.
- e. Brief list of duties, not the job description or Standard Position Guide.
- f. Brief list of required qualifications, including experience, duration, type, and level.
- g. Closing date or “open until filled,” as appropriate.
- h. Where to apply and point of contact.
- i. These statements: “U. S. Coast Guard Nonappropriated Fund Activities Are Equal Opportunity Employers” and “Equal Employment Opportunity: All candidates will be considered regardless of race, color, religion, sex, national origin, age, disability, marital status, political affiliation, sexual orientation, or other non-merit factors.”
- j. A statement the position has potential for promotion, if appropriate.
- k. A statement the standard payment method for payroll and travel purposes is mandatory direct deposit.
- l. A statement requiring men born after 31 December 1959 and at least 18 years old must have registered with the Selective Service System, unless exempt under the Selective Service Law, 5 USC 3378. (See Exhibit 3-1)
- m. A statement requiring proof of veterans’ preference by means of DD-214 (Certificate of Release or Discharge from Active Duty) as explained in Paragraph G.2.a (6) in this Chapter.

F. Accepting Applications. Nonappropriated Fund (NAF) position applicants will use the Optional Application for Federal Employment, Optional Form 612 (OF-612), a resume, or any other written format of your choice. The servicing personnel office will date stamp and process all employment applications upon receipt. For positions requiring continuous recruitment, accept applications at any time and fill vacancies promptly from the resulting application file using the procedures outlined in Paragraph E.2.c. of this Chapter.

1. Information About Applications.

- a. It is illegal to ASK age, sex, race, color, etc. It is illegal to USE information only to discriminate. The presumption is all information gathered is USED, so the

application must be free of such questions and substantiate job-relatedness for every question asked.

- b. Rating officials, interview panel members or the selecting official shall not write comments of any sort on the application except to note eligibility or ineligibility of the applicant.

- 2. Application Expiration. All employment applications received for a specific position expire 30 calendar days after the position has been filled and applicants must re-submit new applications for a vacant position.

G. Rating Applications.

- 1. In accordance to the position's minimum qualification requirements, the servicing personnel office will determine each applicant's basic eligibility for the position being filled. The personnel assistant will then develop a referral list noting eligibility or ineligibility, and will attach to it the applications and any other document used in determining the qualifications, if any.
- 2. At hiring only, give veteran's preference to qualified applicants who meet the minimum service requirements in 5 CFR 211. The employing agency grants preference on verifying veteran status, provided veterans are equally qualified for the vacant position. A veteran receives preference only if honorably discharged from a U. S. military service.

a. Definitions:

- (1) Active duty or active military duty means full-time service with military pay and allowances in the Armed Forces, except for training, determining physical fitness, and Reserve or National Guard service.
- (2) Armed Forces means the United States Coast Guard, Army, Air Force, Marine Corps, and Navy.
- (3) Veteran means a person who was separated with an honorable discharge or under honorable conditions from Armed Forces active duty who performed:
  - (a) In a war;
  - (b) During the period 28 April 1952 through 1 July 1955;
  - (c) For more than 180 consecutive days, other than for training, between 1 February 1955 and ending 14 October 1976;
  - (d) In a campaign or expedition for which a campaign badge is authorized.

- (4) Honorable Discharge means termination under conditions considered honorable from a continuous period of active duty but not the Honorable Discharge given an enlisted person so he or she may be commissioned as an officer without a break in service. In this situation, the officer's discharge must be under honorable conditions.
  - (5) An Amnesty or Clemency Discharge does not meet the Veterans Preference Act requirement for discharge under honorable conditions. Accordingly, do not grant preference to applicants with such discharges.
  - (6) The applicant must present official documents issued by the Uniformed Service or Department of Veterans Affairs, for example, a Certificate of Release or Discharge from Active Duty (DD 214), to comply with the requirements for active duty and separation under honorable conditions.
- 3. The personnel specialist and selecting official shall decide whether to have a panel of subject matter experts, one subject matter expert or the personnel specialist evaluate or determine the best qualified candidates from those minimally qualified. The individual(s) making the determination shall be at the same or a higher grade than the vacancy being filled. The selecting official may not serve as a member of an evaluation panel, but may select its members.
  - 4. The personnel office may retain applications received from sources other than vacancy announcements on file or return them to the applicants, depending on anticipated needs.

#### H. Selection and Appointment Action.

- 1. Personnel Office. As a rule, the personnel office will refer to the selecting official only the best-qualified candidates (usually 5 to 10 applicants) as defined in the rating process. If no candidates are best-qualified and further expansion of the area of consideration is impractical, refer well-qualified candidates or if none, refer minimally qualified candidates.
- 2. Requirements. These requirements must directly apply to the duties to be performed, not unduly limit competition, and not give an advantage to a particular individual. Qualification requirements for a NAF position must be equal to those for a similar position paid from appropriated funds.
- 3. Intermittent and Temporary Positions. Due to the large turnover in intermittent and temporary positions and the fact such positions are non-career, personnel offices may use an alternate, less time-consuming method of ranking applications for intermittent and temporary positions by applying these guidelines:
  - a. Screen the applications to identify well-qualified candidates.



- b. Refer the ten best qualified applicants on file at the time of recruitment to the selecting official.

4. Selection.

- a. The selecting official will consider all referred applicants' qualifications when selecting. After making a selection, the selecting official will return the referral package to the servicing personnel office.
- b. If an equally qualified non-veteran or lower ranking candidate was made, a memorandum for the record will be attached to the referral list containing the name of the selected candidate, a brief description for the reason he or she was found to be the best qualified. This information will be maintained with the recruitment file for a period of 2 years.
- c. Interviews are not required. Management may interview none, one, some, or all applicants, but should carefully document the basis for this decision.
- d. Complete all appropriate actions required in Paragraph L. of this Chapter before selecting a retired United States Armed Forces member for employment.
- e. The selecting official or manager will offer the applicant the position and negotiate salary when appropriate to finalize the offer. The servicing personnel office should confirm the offer and acceptance after the appropriate pre-employment requirements are complete.
- f. A NAF employee's supervisor normally will release the employee from his or her current position within one full pay period, or at most within 30 days, after he or she is selected for promotion.

5. Record Maintenance. The servicing personnel office shall maintain all competitive actions' administrative records so they provide necessary information to employees and the public while protecting individuals' privacy rights. For each competitive action make a temporary record sufficiently detailed to allow reconstruction of the action, including documentation on how the candidates were evaluated. These records should include:

- a. The position description or standard position guide;
- b. A copy of the vacancy announcement;
- c. Referral list in accordance with Paragraph G.1. in this Chapter;
- d. The name of the assigned personnel assistants;
- e. Any records used to document the determination of the best qualified candidates;

- f. The name of the individual(s) determining the best qualified candidates;
- g. Documents used in the interviewing process;
- h. The name of the selecting official;
- i. Reasons for the selection of a candidate;
- j. Documentation stating reasons a non-veteran was selected over a veteran when equally qualified, if applicable.

Destroy the records 2 years after the personnel action's effective date.

6. Information Available to Employees. On request, the personnel office will provide this information about a competitive recruitment action to an employee or his or her authorized representative:
  - a. Whether he or she was considered and, if so, was eligible based on applicable minimum qualification requirements.
  - b. Whether he or she was in the best-qualified group.
  - c. Who was selected for the position.
  - d. How the employee can improve to increase his or her chances for future promotion.
7. Complaints. The servicing personnel office will process complaints about competitive recruitment actions through grievance procedures. Unless alleging discrimination, an employee or applicant may not use grievance procedures to contest non-selection for promotion from a list of properly ranked, certified candidates. If an employee or employment applicant alleges discrimination, he or she must process the complaint through the equal employment opportunity complaint process.
8. Requirements for Personal Service Contracts.
  - a. This section addresses personal service contracts only, not those contracting entire functions, e.g., custodial services, food service operations, or vehicle maintenance. Do not use contracts to employ civilian and off-duty military personnel paid from nonappropriated funds. As an exception, activities may use contracts to secure the personal services of either civilian or off-duty military personnel as follows:
    - (1) Persons employed on a fee basis, such as sports officials, for services that do not consist of duties similar to those of employees appointed under this regulation.
    - (2) Persons engaged as "independent contractors", for example, instructors, where no employee-employer relationship exists.

- b. An employee-employer relationship exists under the conditions below; if all are present, activities may not use contracts to obtain personal services:
  - (1) The service is performed on-site.
  - (2) The Coast Guard furnishes the principal tools and equipment to perform the work or service.
  - (3) Regardless of location, the contractor performs the services to accomplish the assigned mission.
  - (4) Nonappropriated Fund employees appointed under this regulation's provisions perform comparable services.
- c. To protect its interests, retain control of the function involved, and maintain personal responsibility for the function, a duly authorized Coast Guard officer or employee must direct or supervise the contracted employee(s).
- d. Accordingly, whenever an employer-employee relationship exists, the unit must appoint the person to a NAF position.

9. Appointment Requirements.

- a. Other than for emergency temporary appointments (Paragraph C.14. above), do not offer employment until receiving two satisfactory recommendations, at least one from a former employer or educational institution if no employment history exists. References may be obtained telephonically but must be recorded on Employment Inquiry Sheet (Exhibit 3-2). This sheet will be placed on the left side of the personnel folder. These exceptions to the two satisfactory recommendations before offering-employment requirement are acceptable:
  - (1) If an applicant is currently employed or has been employed within the previous 6 months, his or her current or former employer's satisfactory reference is considered adequate to effect the appointment, pending receipt of an additional reference.
  - (2) For off-duty military personnel, the requirement is satisfied by the member's commanding officer approving employment.
  - (3) For employing minor students, no recommendations are required.
  - (4) When delaying an appointment may impair the employing NAF's interests, it may appoint with the approval of the commanding officer for MWR and/or CGES region manager.

- (5) A unit may waive recommendation requirements when employing foreign-born family members who have no United States educational or employment history. Similarly, when employing persons reentering the workforce after a long period whose former employer(s) cannot be contacted, the unit may accept personal references.
- b. A Certificate of Medical Examination, Standard Form 78 (SF-78) will be required for positions involving:
  - (1) Operating motor vehicles;
  - (2) Direct physical contact with people, for example, child care positions;
  - (3) Work above ground level or around hazardous, power-driven machinery;
  - (4) Strenuous exertion, hazardous duty, hazardous physical demands, or exceptional stress; and,
  - (5) Specific sight or hearing requirements.
- c. The supervisor may require a medical examination subsequent to employment if it appears that the employee is unable to perform the duties of the job.
- d. The provisions of paragraph b. above do not apply to off-duty military personnel.
- e. A food handler's examination only be given when local medical authority specifically requires it.
- f. Ensure food and beverage activity managers, bartenders, and wait staff serving alcoholic beverages receive annual training in preventing alcohol abuse, including at a minimum understanding and recognizing intoxication, monitoring alcohol consumption, intervention techniques, and identifying minors. Recognized training programs such as Training for Intervention Procedures (TIPS) and Controlling Alcohol Risks Effectively (CARE) meet this requirement. Each employee's personnel file must include annual certification of completing this training. Supervisors shall not assign employees to serve alcoholic beverages until they have completed such training. For further information on this Paragraph, see the Coast Guard Morale, Welfare and Recreation Manual, COMDTINST M1710.13 (series).
- g. The servicing personnel office will make these pre-employment checks:
  - (1) An applicant must complete a favorable local police check or background investigation within 12 months before appointment or assignment to one of these positions.

- (a) All management and fund custodial positions.
  - (b) Any position in which the incumbent has procurement responsibility or is accountable for funds, property, or merchandise.
- (2) To facilitate filling vacancies, with written approval of the appropriate official exercising jurisdiction above the CGES manager or MWR officer, managers may appoint an applicant before he or she has completed the required checks. Units shall clearly identify such appointments as subject to satisfactory completion of pre-employment checks.
- h. Public Law 101-647, codified at 42 USC 1341, requires all personnel working in child development services programs to have a background check that includes a fingerprint check, a check through the FBI's ID division, and a check of state criminal history repositories in states where the applicant has lived. The child development center director or personnel office will check personal, professional, and educational references before employment. Also, the Coast Guard and DoD Family Advocacy Central Registry will conduct a check. For further policy information on child care positions, see the Child Development Services, COMDTINST 1754.15 (series).
  - i. Minors may be employed subject to these restrictions.
    - (1) The appointee must be at least 18 years of age or 16 years if the appointee:
      - (a) Is a high school graduate;
      - (b) Has completed a formal training program sponsored by a public or private organization that provides youth work-training programs;
      - (c) Has been out of high school for at least 3 months, excluding summer vacation;
      - (d) Fills a temporary full-time to part-time appointment or an intermittent appointment during summer or other school vacation period;
      - (e) Fills a regular part-time or intermittent appointment if he or she is enrolled in high school.
    - (2) Managers will observe restrictions on maximum hours of duty; see Hours of Work, Chapter 4 of this Manual. The activity will observe state and municipal restrictions on employing minors handling intoxicating beverages. A person filling a position that serves or sells alcoholic beverages for consumption on the premises must be at least 21 years old. The restriction does not apply to selling alcoholic beverages or tobacco

products consumed elsewhere.

- (3) Managers will make adequate provisions for minors' safety and welfare.
- (4) Managers will not employ minors under age 18 for any position that may be classified as hazardous or detrimental to their health.
- (5) Managers may not employ minors 15 years old in retail, food (no alcohol served), and gasoline service establishments. These occupations are permitted:
  - (a) Office and clerical positions, including operating office machines;
  - (b) Cashier, sales, modeling, and work in advertising departments, including window trimming, art design, and comparative shopping;
  - (c) Marking and tagging prices by hand or machine, assembling orders, packing and shelving;
  - (d) Bagging and carrying customers' orders;
  - (e) Errands and deliveries by foot, bicycle, and public transportation;
  - (f) Custodial and maintenance positions, excluding using power-driven mowers or cutters;
  - (g) Kitchen and other work preparing and serving food and beverages, including operating dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, and coffee grinders, among others;
  - (h) Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing, and stocking goods when performed in areas physically separate from areas where meat is prepared for sale and outside of freezers or meat coolers.
  - (i) Work involving cars and trucks, if confined to these duties:
    - 1. Dispensing gasoline and oil;
    - 2. Courtesy service on gasoline service station premises;
    - 3. Car cleaning, washing, and polishing.
- (6) Units may employ minors 15 years old in any place of employment and occupation except these excluded occupations:
  - (a) Work involving cars and trucks:

1. Using pits, racks, or lifting apparatus.
  2. Inflating any tire mounted on a rim equipped with a removable retaining ring.
- (b) Any processing occupations, e.g., filleting fish, dressing poultry, cracking nuts, or laundering performed by commercial laundries and dry cleaners.
- (c) Any public messenger service.
- (d) Operating or tending any hoisting apparatus or power-driven machinery except for the specified office, retail, food service, and gasoline service machines minors may operate in each establishment.
- (e) Any occupations found and declared hazardous.
- (f) Except for office or sales work, these occupations when not performed on transportation media or at an actual construction site:
1. Transporting persons or property by rail, highway, air, on water, pipeline, or other means.
  2. Warehousing and storage.
  3. Communications and public utilities.
  4. Construction (including repair).
- (g) Any of these retail, food service, or gasoline service occupations.
1. Work performed in or around boiler or engine rooms.
  2. Maintaining or repairing machines or equipment.
  3. Outside window washing involving working from window sills and all work requiring using ladders, scaffolds, or any substitutes.
  4. Cooking and baking except at soda fountains, lunch counters, snack bars, or cafeteria serving counters.
  5. Operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery mixers.

- 6. Work in freezers and meat coolers and all preparation of meats for sale except wrapping, sealing, labeling, weighing, pricing, and stocking when performed in other areas.
  - 7. Loading and unloading goods and from trucks, railroad cars, or conveyors.
  - 8. All warehouse occupations except office and clerical work.
- (7) Employing anyone under Paragraph H.9.i.(1) of this Chapter must comply with Federal, state, and local laws on employing minors and the Fair Labor Standards Act (FLSA) of 1938, as amended. Any applicant under 18 years old must present a work permit, if required by local law, to receive appointment to a NAF position.
- j. Each crafts and trades (NA, NL or NS) employee in any state or the District of Columbia must be a United States citizen or a bona fide resident of a State or the District of Columbia, unless the Secretary of Labor certifies no United States citizen or bona fide State or District of Columbia resident is available to fill the particular position. Activities may employ refugees granted “parolee” status by the Immigration and Naturalization Service (INS) in pay band (NF) positions only. Use these documents to determine whether non-U. S. citizens are eligible for employment of all types of positions:
  - (1) Form I-151 or I-551, Alien Registration Receipt Card.
  - (2) Form I-94, Arrival and Departure Document, marked “Immigration Status”.
  - (3) A stamped authority on the passport showing the letter A followed by a number indicating the INS has processed the person for issuance of Form I-551.
- k. Some activities provide seasonal services, normally at the same time each year. These activities may identify positions not needed for the entire year as “seasonal positions” and place incumbents in a non-duty, non-pay status while their services are not needed. Seasonal appointees may be detailed to other work to avoid periods in a non-duty, non-pay status when conditions prohibit performance of normal duties.
  - (1) A position is defined as seasonal only if the activity can determine the non-duty, non-pay period at the time of appointment or when initially placing an employee in the position. If the non-duty period is longer than 6 months, a seasonal appointment may not be used.
  - (2) These requirements apply to appointment to seasonal positions:



- (a) The SF-50 will specify the non-duty, non-pay period for the appointment year. If the activity cannot state specific dates, it will give the non-duty periods' length and approximate time of year, for example, "12 work weeks during the summer vacation period".
  - (b) The non-duty, non-pay periods will not be less than 1 work week during the seasonal appointment.
  - (c) Compute seasonal employees' compensation the same as for a part-time or full-time employee in a comparable position. Pay the employee in full for each pay period in a duty status.
  - (d) Administering Leave, Chapter 7 of this Manual, governs seasonal appointees' sick and annual leave accrual. At the end of a duty period immediately preceding a non-duty, non-pay period, the employee may request management to reduce the non-duty, non-pay period to permit him or her to use the amount of accrued annual leave requested. Use the criteria stated in Salary and Wages, Chapter 4 of this Manual, to determine whether to credit part or all of the non-pay periods as part of the waiting period for within-grade increases.
- (3) The non-duty, non-pay periods specified do not require advance notice and are not furloughs or adverse actions, since they are appointment conditions the appointee voluntarily accepts.
  - (4) During periods specified as non-duty, non-pay periods, management may use the employee on an intermittent basis if needed. Such employment does not alter the basic appointment terms. Credit all hours worked for leave accrual purposes.
- 1. The payroll or servicing personnel office will periodically review the hours actually worked by other than full-time employees.
    - (1) The servicing personnel office will determine the reason for working the extra hours if such review reveals:
      - (a) An activity has retained an intermittent employee on a regularly scheduled basis more than 19 hours per week for more than 90 calendar days.
      - (b) A part-time employee has regularly worked more hours during a 90 calendar day period than the maximum number of hours specified on the SF-50.
      - (c) If the employee is working extra hours due to a temporary need, for example, filling in for an absent employee, or is irregularly performing unscheduled work, he or she may continue working out of the employment category or more than the specified minimum hours. However, every 30

days thereafter the personnel office will review the employee's hours worked and, if excessive after three reviews, state the reasons as a matter of record in his or her personnel folder.

- (2) If the need for the extra hours routinely continues over a period of 90 calendar days, the personnel office will initiate action to either establish the position as a regular full- or part-time position or change the SF-50 to reflect the correct minimum hours.

10. Appointment Actions. The personnel office will act as follows to effect all appointments:

- a. Have the appointee complete an Appointment Affidavit, Standard Form 61 (SF-61), pledging not to strike against the U. S. Government. This does not apply if the applicant is appointed without a break in service following other NAF Coast Guard employment or the appointee is an off-duty military member.
- b. Completes an SF-50, recording in the remarks section the minimum hours every employee works weekly.
- c. Verifies previous NAF employment, determines the employee's leave category, and explains the regulations on accumulating and using leave to the employee; see Administering Leave, Chapter 7 of this Manual.
- d. Determines the employee's eligibility to participate in the Group Health and Life Insurance Plan. Each eligible employee must complete an enrollment or refusal form within 30 calendar days of his or her appointment.
- e. If the employee is eligible to participate in the retirement and 401K plan, informs the employee of the plan's provisions and required waiting periods.
- f. Have the employee complete IRS Form W-4, Employees Withholding Exemption Certificate, and appropriate state or municipal exemption certificates.
- g. Establishes and maintains the employee's official personnel folder (OPF).
- h. Establishes a leave record for each eligible employee. Each pay period the employee enters hours on his or her time and attendance cards, signs them, has the manager sign them and sends them to the accounting or payroll office that prepares the activities paychecks. Document all leave on a properly completed Request for Leave or Approved Absence, Standard Form 71 (SF-71), and send it to the payroll office with the time and attendance card. Commanding Officers for MWR, Commandant (G-WPX), and Commandant (G-WPC), may authorize exempt employees to use a leave exception system (leave slips are required but not time sheets).

- i. Completes an employee orientation and check-off sheet and explains internal rules and standards of conduct to the appointee. See Exhibit 3-3.
- j. Title 8 USC 1324A requires employers to verify employees' employment eligibility on a form approved by the Attorney General. All new employees shall complete an Employment Eligibility Verification, Form I-9, to comply with the Immigration Reform and Control Act of 1986. Failure to present this form for inspection to INS or Department of Labor officers within the time period this regulation specifies or improperly completing or retaining this form may violate the Immigration Reform and Control Act of 1986 and result in a penalty. To verify employment eligibility employers cannot specify which documents they will accept from an appointee but must accept any document or combination of documents listed in instructions for completing Form I-9. The personnel office must complete Form I-9:
  - (1) For all persons hired after 31 May 1987; or,
  - (2) Within 3 business days of the appointment's effective date or before the end of the employee's first working day if employing the person for fewer than 3 days.
    - (a) The employer retains the completed form for 3 years after the appointment date or 1 year after the termination date, whichever is later. File current employees' Form I-9 on the OPF's right side.
    - (b) Employers may photocopy or reprint this form as necessary.

I. Probation.

- 1. Scope. This paragraph applies to each employee serving in a regular full- or part-time or seasonal full- or part-time position.
- 2. Purpose. The probationary period affords a final test of an employee's ability and fitness for the position, demonstrated by his or her actual job performance.
- 3. Probationary Period.
  - a. All persons initially appointed to a regular full or part-time or seasonal full or part-time position must serve a 1-year probationary period. Employees with previous service in a DoD NAF activity must serve a probationary period when appointed even if such previous service included a probation. During this period the employee's supervisor will observe the employee's conduct and performance of the position's duties and may separate the employee from NAF employment if conditions warrant such action.
  - b. If an employee is separated from his or her position before he or she completes probation and later is hired in a regular full or part-time position after a break in service of more than 30 calendar days, the employee must serve a new probation

beginning on the effective date he or she assumes the new position.

- c. A probationary employee transferred, reassigned, promoted, or demoted during probation does not begin a new probation on changing positions, but completes only the remainder of the initial probation.
- d. This Coast Guard NAF service is creditable toward completing a probationary period, provided the employee has not had a break in service of 30 or more calendar days:
  - (1) Periods in a pay status in a regular appointment.
  - (2) Absences in a non-pay status up to 15 total workdays.
  - (3) Temporary service if the temporary appointment converts to a permanent appointment with no break in service.
  - (4) Under the Portability Act of 1990, time spent in an appropriated fund position counts toward completing probation provided the employee has not had a break in service of more than 3 days.

#### J. Americans with Disabilities Act.

- 1. Title I of the Americans with Disabilities Act (ADA) prohibits employers from discriminating against applicants or employees in employment terms and conditions due to their disability. The ADA defines a “qualified person” with a disability as one who, with or without reasonable accommodation, can perform essential job functions.
  - a. Important ADA definitions.
    - (1) Disability. A physical or mental impairment that (1) substantially limits one or more of a persons major life activities; (2) having a record of such impairment; or (3) being regarded as having such impairment.
    - (2) Physical or Mental Impairment. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of these bodily systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine system or any mental or psychological disorder, e.g., mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
    - (3) Major Life Activities. Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

- (4) Qualified Individual with a Disability. A person with a disability who satisfies the requisite skill, experience, and education requirements of the position he or she holds or desires and who, with or without reasonable accommodation, can perform that position's essential functions.
- (5) Essential Functions. Primary duties intrinsic to the job, excluding marginal or peripheral functions incidental to performing primary job functions.
- (6) Reasonable Accommodation. The law does not specifically define "reasonable accommodation" but lists examples of "modifying devices, services, or facilities or changing standards, criteria, practices, or procedures" to provide a particular physically or mentally impaired person an equal opportunity to participate effectively in a particular program, activity, job, or other opportunity. The term includes making existing facilities employees use readily accessible to and usable by persons with disabilities. Other accommodations include job restructuring, part-time or modified work schedules, reassignment or modifying work equipment or devices, appropriately adjusting or modifying examinations and training materials, providing qualified readers or interpreters, and other similar accommodations.

b. Direct Threat to Safety.

- (1) An employer cannot use paternalistic concern for the disabled person's safety to disqualify an otherwise qualified individual but may insist he or she may not pose a direct threat to other persons' health or safety in the workplace. If challenged, the employer must be able to demonstrate a reasonable probability of significant risk or substantial harm. In determining significant risk, the employer must consider four factors.

- (a) The duration of risk.
- (b) The nature and severity of the potential harm.
- (c) The likelihood the potential harm will occur.
- (d) The imminence of the potential harm.

An employer must individually determine whether a person poses a "direct threat" with these four principles in mind.

- c. Undue Hardship Accommodation Required. Employers are not required to "bump" another employee to create a vacancy or to establish a rehabilitation program for drug addicts or alcoholics.
- d. Americans With Disabilities Act Exclusions:

- (1) Active drug users, although rehabilitated drug users and persons incorrectly designated as drug users are covered.
- (2) Homosexuals and bisexuals.
- (3) Transvestites, transsexuals, voyeurs, pedophiles, exhibitionists, and gender identity disorder victims.

K. Denying Employment.

1. An employer may deny employment to an applicant or terminate an employee if the employer reasonably believes an employee or applicant has committed:
  - (a) A felony, such as a crime declared a felony by statute or for which a penitentiary sentence can be adjudged.
  - (b) A misdemeanor involving moral turpitude, such as conduct contrary to accepted standards of conscience or moral law involving villainy of principle, word, or action. However, activities may hire rehabilitated offenders for jobs for which they are needed and qualified, provided management selects such persons carefully and complies with established staffing regulations. Select each rehabilitated offender on his or her own merits. The commanding officer for MWR and CGES region managers decide whether to hire such a person. A unit may terminate employment for a person convicted of a felony or misdemeanor before or after he or she entered duty and about which the employee did not inform the employing official before entering duty.
2. Management may deny employment to any person discharged from the United States Armed Services under other than honorable conditions. The commanding officer for MWR and CGES region manager shall fully review the specific circumstances involved in and then decide each case.
3. The commanding officer for MWR and CGES region manager must authorize in advance rehiring employees discharged for cause or permitted to “resign to avoid.”
4. Management may deny employment to any person who fails to qualify for a fidelity bond, if the position requires the incumbent to hold such a bond.
5. Management may deny employment to or terminate employment for any person presenting false or misleading information in completing an Optional Application for Federal Employment, Optional Form 612 (OF-612).

L. Employing Military Personnel.

1. A NAF activity may employ enlisted personnel after duty hours only on an intermittent basis. Officers are not eligible for off-duty employment with a NAF activity.
2. When authorized, nonappropriated funds may compensate commissioned and warrant officers' off-duty voluntary services only under these conditions:
  - a. Such officers may perform only services without official supervisors' direct supervision and control, e.g., officiating at sports events and conducting educational, religious, recreational, or entertainment activities, on a fee basis to avoid an employer/employee relationship.
  - b. In engaging such services, commands must follow policies the commanding officer for MWR-sponsored activities has established.
  - c. Commands may not use this paragraph to compensate officers from nonappropriated funds for work in excess of their regular military duty hours.
3. Activities may employ off-duty enlisted personnel on an intermittent basis only for 19 or fewer hours per week. Management will follow this Chapter in recruiting and employing off-duty enlisted personnel. The servicing personnel office will establish and maintain these persons' employment folder. Their employment terminates when they retire from military service.
4. Before employing off-duty enlisted military personnel, the military member must obtain his/her commanding officer's written approval. The approval must clearly state the military member is authorized to work as an intermittent for the specified nonappropriated fund instrumentality during off duty hours. If at any time the commanding officer determines the off-duty employment impairs military duty, personnel will terminate the enlisted member's employment based on disqualification.
5. In employing enlisted personnel assigned to a NAF activity as a primary military duty, it is extremely important to avoid any action that might result in or may possibly create the appearance of preferential selection. To preclude conflict of interest and preferential treatment, a NAF activity may not employ enlisted personnel permanently assigned there.
6. Retired United States Armed Forces members legally entitled to pay for service are eligible for all NAF employment authorized and established pursuant to authority contained in this regulation. Activities will employ such persons equitably and strictly comply with merit and open competition principles, avoiding the practice and appearance of preferential treatment. Activities will strictly observe these principles before employing any retired uniformed services member in any position.
  - a. In recruiting for the position, personnel will ensure it makes reasonable efforts to avoid giving rise to suspicions of unduly limiting competition to a particular individual.

- b. The NAF activity must publicize the vacancy well and apply the provisions of Paragraph F. of this Chapter.
  - c. Qualification requirements will not contain provisions unduly limiting competition or designed to give an advantage to a particular person.
  - d. Before selecting and appointing a retired United States Armed Forces member to a NAF position, the activity must clearly establish he or she is better qualified than any in-service candidate.
  - e. Management will not hold a position open pending a uniformed services member's retirement to provide the retiree a preferential opportunity to apply for or be appointed to the position. Personnel will actively recruit from the time the position becomes vacant, unless management can fully justify suspending recruitment for reasons unrelated to the uniformed service member's impending retirement.
  - f. If the proposed appointee or any other military incumbent last occupied the position, management must clearly demonstrate the proposed change to civilian incumbency meets a bona fide management need and is not designed to afford civilian employment to the proposed appointee.
7. Before appointing a retired uniformed services member to a civilian position within 180 days immediately after his or her retirement, personnel must obtain authorization from the appropriate approving authority, as follows:
- a. Positions under the Program Direction of Commandant (G-W). Approval of Commandant (G-CCS) is required.
  - b. All Other Positions. Approval of Commandant (G-WP) is required.
  - c. Members Currently on Active Duty and Reservists Not Yet Retired. After receiving approval for appointment to a civilian position, a retiring military member should be able to demonstrate his or her availability for work within 45 days, the standard applicable period for all Coast Guard civilian appointments. Additionally, Commandant (G-WPX) may view a waiver request for prolonged delays as holding the position open for a military member and deny the request. Existing policy requiring Coast Guard officers (6 to 12 months) and enlisted members (6 to 24 months) to request military retirement in advance remains unchanged.
8. Supporting Documentation. Whenever proposing to appoint any applicable retired military member, the selecting official will initiate the documentation indicated below; the commanding officer for MWR and Commandant (G-WPX) will endorse it and send it to Commandant (G-WPC), who shall review the documentation for consistency. Each request will comply with these criteria:



- a. Accompany the request with a statement of the action taken to comply with this Section and supporting documentation, including vacancy announcements, copies of all applications received, and a description of the rating and ranking factors used to determine best qualified.
  - b. The request will contain the proposed appointee's name; service or social security number; retirement date, duty assignment, and station; employing NAF activity's name and location; proposed duty entrance date; and the position's job title, series, grade, pay band level, and initial pay rate.
  - c. The commanding officer for MWR and Commandant (G-WPX) must sign the request.
9. Both the requesting official and Commandant (G-WPC) will maintain records of requests to approve appointing retired uniformed services members before the end of the 180 day period after retirement.
10. Regular military components' retired officers and warrant officers are subject to reduction in retired pay. In addition, all uniformed service members, including regular and non-regular components' enlisted members and officers who retire after 11 January 1979 are subject to a ceiling on their combined total earnings and retired pay.
11. All personnel offices appointing, reinstating, re-employing, separating, changing employment category, or changing basic pay of uniformed services' retired employees will prepare a letter report and submit it to the finance center of the service from which the employee retired. If the employee is appointed or changes to other than regular full-time status, the personnel office must submit a report monthly reporting the dates the employee actually worked and wages earned. Put a copy of each of these reports on the right side of the employee's personnel folder.
  - a. Retired Military Pay Center addresses:

Commander  
U. S. Army Finance and Accounting Center  
ATTN: Chief, Retired Pay Division  
Indianapolis, IN 46429

Retired Pay Department  
U. S. Navy Finance Center  
Cleveland, OH 44114

Director of Allotments and Retired Pay (MR)  
Air Force Accounting and Finance Center  
3800 York Street  
Denver, CO 80205

Commandant  
U. S. Marine Corps  
Code: CDH  
Washington, DC 20380

Commanding Officer  
U. S. Coast Guard  
Human Resources Services  
and Information Center  
444 SE Quincy Street  
Topeka, KS 66683-3591

- b. The report will contain:
- (1) Employer, e.g., USCG Group Portland, USCG ISC Honolulu;
  - (2) Employer's address;
  - (3) Retired officer's name;
  - (4) Member's Service or Social Security Number if used as the member's Service Number;
  - (5) Effective appointment date;
  - (6) Employment category, e.g., regular full-time, temporary part-time, seasonal part-time, or intermittent;
  - (7) Applicable changes' effective date;
  - (8) Annual salary; if scheduled fewer than 40 hours per week, provide the hourly rate and number of hours worked per week
  - (9) Reporting date;
  - (10) Signature of official duly authorized to authenticate personnel actions;
  - (11) A copy of the SF-50 effecting the action may accompany the report.

1. Identification.

- a. This coding system and grade structure identify prevailing rate employees:

<b>CODE</b>	<b>TYPE OF POSITION IN TRADE, CRAFT, AND LABOR OCCUPATIONS</b>	<b>GRADES</b>
NA	Non-supervisory	1-15
NL	Leader	1-15
NS	Supervisory	1-19

- b. Prevailing rate positions are identified with series codes, titles, and grades.

2. Position Evaluation. Servicing personnel offices evaluate positions in accordance with DoD Job Grading Standards, Coast Guard Job Grading Standards, and OPM Job Classification Standards, whichever apply.

3. Within-Grade Increases.

- a. All prevailing rate employees, regardless of category, are entitled to within-grade increases.
- b. An eligible employee, including off-duty military, who has not reached the top step of his or her grade will advance successively to the next higher rate of his or her grade at the beginning of the next pay period provided the employee:
- (1) Has successfully completed the prescribed waiting period.
  - (2) Has not received an equivalent increase for any reason during the waiting period.
  - (3) Performs his or her duties satisfactorily or better.
- c. To determine an equivalent increase for prevailing rate employees, see U. S. Office of Personnel Management Operating Manual: Federal Wage System Nonappropriated Fund, paragraph S8-5.

4. Creditable Service for Within-Grade Increases.

- a. Creditable service for a prevailing rate employee is continuous full-time, part-time, temporary, regular, and intermittent service in any Federal Government branch (executive, legislative, or judicial), in the Government of the District of Columbia, or a DoD or Department of Transportation (DOT) NAF activity.

- b. All service in a pay status is creditable, including periods of sick, annual, or other paid leave, advanced sick leave, and advance annual leave. A limited amount of leave without pay is creditable, as indicated in 5.a.(2), column (1) below.

5. Waiting Periods.

- a. Duration. The employee must serve the days or calendar periods specified in Column (2) or (3) at the step of the grade immediately below that to which the employee will advance after the waiting period. An intermittent employee must work at least as many required days as a full or part-time employee in the same category and rate.
- (1) Column (2) applies to full-time and other regularly scheduled employees and specifies the waiting periods in calendar weeks, counting any week in which service is performed as a full week.
- (2) Column (3) applies to intermittent employees and specifies the waiting periods in calendar days in a pay status, counting only the days, and those as full days, on which the employee works.

<b>TIME IN GRADE TO QUALIFY FOR STEP INCREASES</b>				
		<b>Waiting Period Duration</b>		
<b>Employee Category</b>	<b>Step Rate</b>	<b>(1) Maximum Weeks in Non- pay Status</b>	<b>(2) In Weeks for Full-Time and Other Regularly Scheduled Employees</b>	<b>(3) In Days for Intermittent Employees</b>
NA, NL, NS	2	1	26	130
	3	3	78	390
	4, 5	4	104	520

- b. Start of Waiting Period. A new waiting period begins:
- (1) On initial appointment or promotion to a position subject to this regulation's provisions.
- (2) After either a break in service or a non-pay status lasting longer than 52 calendar weeks.
- (3) On the date the employee receives an equivalent increase.

3. Night Differential (Optional for Pay Band Employees). The Office of Personnel Management Operating Manual Federal Wage System Nonappropriated Fund, stipulates a NAF prevailing rate employee is entitled to Night Differential as follows:

- a. Pay Band (NF) employees can earn a night differential of 10 percent of basic pay in addition to their basic pay for actual hours of regularly scheduled work they perform between the hours of 6:00 p.m. and 6:00 a.m.
- b. A NAF Activity must pay a Prevailing Rate employee a night shift differential for the entire shift for all regularly scheduled, non-overtime work, according to this schedule.

<b>Percentage in addition to basic pay rate</b>	<b>Pay if a majority of the employee's regularly scheduled work hours occurs between these hours:</b>
7.5	3:00 p.m. and 12:00 midnight
10	11:00 p.m. and 8:00 a.m.

- c. An employee is entitled to night pay differential for a period when excused from night work on a holiday or other non-workday and for night hours while in an official travel status. Continue paying night differential during periods of leave with pay depending on the shift to which the employee is assigned when going on leave and assignment duration. An employee is entitled to night pay differential for night work performed when assigned temporarily to a tour of duty other than his or her own.
  - d. In determining entitlement to night differential, work scheduled at least a week in advance is regularly scheduled work no matter how much prior notice the employee receives. In determining a majority, count the number of whole hours greater than one-half of the scheduled shift. Include night shift differentials in the basic pay rates used to compute overtime and Sunday pay, retirement, and group life insurance. An employee regularly paid night shift differential continues to receive it during a period of paid leave, when excused from night work on a holiday, and while in an official travel status during regular shift hours. If an employee regularly assigned a night shift is temporarily assigned to a day shift or the night shift with the lower differential, he or she continues to receive his or her usual night shift differential.
4. Holiday Pay. All regularly scheduled full-time, part-time, and regularly scheduled intermittent employees are entitled to holiday pay under these conditions:
- a. An employee eligible for holiday pay receives the basic pay rate for regularly scheduled, non-overtime hours as if he or she had worked.
  - b. An employee required to work on a holiday falling within his or her regular schedule receives his or her basic rate for regularly scheduled, non-overtime hours

plus premium pay of their hourly rate. Thus, an employee normally working Mondays and earning \$6 per hour who works on Labor Day earns \$12 per hour (straight pay plus holiday premium).

- c. An employee required to work a holiday falling outside his or her regular work schedule receives his or her basic pay rate.
- d. An employee working fewer than 5 days in a week who is required to work a holiday falling outside his or her regular work schedule receives his or her basic pay rate.
- e. Premium pay for holiday work is in addition to overtime pay, night shift differential, or premium pay for Sunday work and is not included in the rate of pay used to compute overtime pay, night shift differential or Sunday premium pay.
- f. To qualify for holiday pay, an employee must be in a pay status immediately before or after the holiday.
- g. For additional information on holiday pay, see Work Hours, Chapter 6 of this Manual.

K. Grade and Pay Retention. Grade and pay retention apply only to NA, NL, and NS employees. The 5 CFR 532 contains procedures for grade and pay retention.

L. Dual Compensation.

- 1. The 5 USC 5533 prohibits employees in either or combined appropriated or nonappropriated fund positions, including temporary and intermittent appointments, from receiving pay from two or more positions for more than 40 total hours of work in 1 calendar week. This law does not apply to enlisted off-duty military personnel performing military duty. However, off-duty military members are limited to holding only intermittent (up to 19 hours per week) positions.
- 2. Experts and consultants or persons compensated by fees paid on other than a fee basis, are exempt from these restrictions. For example, an umpire paid by the game is exempt; a part-time accountant is not.

M. Withholding Taxes.

- 1. Payroll administrators must comply with the Internal Revenue Code and withhold Federal income tax from civilian and off-duty military employees' compensation. Payroll check stubs should specify allowances and differentials not subject to Federal income tax or FICA (social security) tax and excluded from the base pay report on employees' Wage & Tax Statement (Form W-2).

2. Credit any extra annual leave restored to an employee over the normal maximum leave accumulation to a separate leave carry-over account; see Administering Leave, Chapter 7 of this Manual.

Q. Commercial Garnishment of a Federal Employee's Pay.

1. Garnishment Procedures and Guidance. Executive Order Number 12897, Commercial Garnishment of Federal Employees' Pay, establishes these procedures and guidance in processing commercial garnishment orders, including state and local governments' tax levies. Nonappropriated fund activities will send all commercial garnishments received to Commandant (G-LGL) via Commandant (G-WPC-2) for legal determination. Commandant (G-LGL) will notify the unit in writing whether the garnishment is legal and what actions the unit needs to take.
  - a. "Pay" means basic, premium, or any other pay paid or payable for personal services, whether called pay, wages, salary, lump-sum leave payments, commissions, bonuses, awards, or otherwise. "Pay" does not include awards for making suggestions, reimbursement for expenses an employee incurred in connection with employment, or allowance in lieu of reimbursement or compensation for work injuries.
  - b. Aggregate disposable earnings are the employee's pay less authorized excluded amounts; see Paragraph Q.3. of this Chapter.
  - c. Garnishment, a legal process, means any writ, order, summons, or other similar process repayment, including an attachment, writ of execution, court order wage assignment, or state or local Government tax levy issued by a court of competent jurisdiction in any state, territory, or United States possession, the District of Columbia, and Indian Tribal Courts.
2. Notifying the Employee.
  - a. As soon as possible, at most within 15 calendar days thereafter, management will notify an employee in writing, including a copy of the legal document, of the valid service of legal process. Give the employee this additional information:
    - (1) Copies of any other documents submitted to support or in addition to the legal process.
    - (2) Notice: The United States does not represent the employee's interests in the pending legal proceedings.
    - (3) Advice: The employee may wish to consult legal counsel about his or her defense to the legal process.

3. Exclusions. In determining the amount of pay subject to garnishment, exclude these amounts:
- a. Amounts the employee owes the United States;
  - b. Amounts the law requires deducting from the employee's pay, including at least:
    - (1) Amounts withheld from benefits payable under the Social Security Act, Title II;
    - (2) Federal employment taxes; and
    - (3) Amounts deducted for Medicare.
    - (4) Amounts properly withheld for Federal, state, or local income taxes if legally authorized or required and if withheld amounts do not exceed the amount the employee claims for all dependents to which he or she is entitled. Withholding additional amounts pursuant to 26 USC 3402(i) is permitted only if the employee presents evidence of a tax obligation that supports the additional withholding.
  - c. Amounts deducted as health insurance premiums;
  - d. Amounts deducted as normal retirement contributions, not including amounts deducted for supplementary coverage. Here, all amounts contributed to the NAF Retirement Plan are deemed normal retirement contributions. Amounts voluntarily contributed to additional retirement accounts are considered supplementary; or
  - e. Amounts deducted as normal life insurance premiums from salary or other remuneration for employment, not including amounts deducted for supplementary coverage. Basic life coverage is considered normal life insurance premiums; all optional life insurance premiums paid by allotment are considered supplementary.
4. Maximum Garnishment Limitations. Under 15 USC 1673(a)(1), the Consumer Credit Protection Act, as amended, and Department of Labor regulations at 29 CFR 870, these limits apply:
- a. Unless applicable state or local law mandates a lower maximum limit, the maximum of an employee's aggregate disposable earnings for any work week subject to garnishment to enforce any legal debt other than a child support order or alimony is 25 percent. Further, in determining the garnishable amount of the employee's aggregate disposable earnings, a payroll office must apply these dollar limitations, contained in 29 CFR 870: if the employee's aggregate disposable earnings for the work week exceeded 40 times the Fair Labor Standard Act (FLSA) minimum hourly wage, 25 percent of the employee's aggregate disposable earnings may be garnished. In this hypothetical example, the FLSA minimum wage rate is \$10 per hour. Multiply by 40 to equal \$400; if the employee's *disposable* earnings



## CHAPTER 7. ADMINISTERING LEAVE

### A. General.

1. This Chapter applies to all regularly scheduled full-time and part-time Coast Guard nonappropriated fund (NAF) employees. Intermittent employees are not eligible to earn or accrue leave. Temporary full-time or part-time employees whose appointment exceeds 90 days are eligible to earn or accrue leave.
2. The leave year begins with the first complete pay period in the fiscal year and ends with its last full pay period.

### B. Service Computation Date. The leave service computation date is usually the date appointed or converted to regular full-time or part-time employment. Adjust the leave service computation date for these circumstances:

1. Previous NAF employment. Credit an employee with previous DoD and Coast Guard NAF service for all part-time and full-time employment periods.
2. Previous appropriated fund (AF) employment. An employee with previous AF service must meet all portability requirements to receive credit. Nonappropriated Fund (NAF) Portability Program, Chapter 20 of this Manual, describes how to compute leave for employees appointed under portability.
3. Credit for military service.
  - a. Nonappropriated fund employees eligible to accrue leave receive credit towards their annual leave accrual for previous active duty military service.
    - (1) Military retirees. Nonappropriated fund employees who retired from any of the uniformed services will receive credit only for service in verified nonwartime campaign or expeditions. For verification purposes, use Verification of a Military Retiree's Service in Nonwartime Campaigns or Expeditions, Standard Form 813 (SF-813). All active service of a retired member is creditable if the retirement was:
      - (a) Based on disability resulting from injury or disease received in the line of duty as a direct result of armed conflict;
      - (b) Based on disability caused by an instrumentality of war and incurred in the line of duty during a period of war.
    - (2) Military service (non-retiree). An employee who has previous active duty military service and did not retire from the military will receive full credit for all time on an active duty status provided his or her discharge was honorable or under honorable conditions (general) or the service member transferred to the inactive reserves under honorable conditions. The employee must provide a

Certificate of Release or Discharge from Active Duty form (DD-214), to receive credit for military service.

- (3) Effective Date. The provisions of (1) and (2) above became effective 16 February 1983. No recomputation of leave for employment periods prior to the effective date is authorized.

- b. Nonappropriated fund employees called to active duty for short periods, such as up to 6 weeks, with Armed Forces Reserve components continue to accrue annual and sick leave during such periods. Non-duty time in Reserve components is not creditable.

4. Credit for Workers' Compensation status. An employee on leave without pay (LWOP) status who receives benefits under the Longshoremen's and Harbor Workers' Compensation Act does not accrue annual or sick leave. However, the time spent in LWOP status is creditable service time for determining leave accrual.

#### C. Annual Leave.

##### 1. Using annual leave.

- a. Purpose. Annual leave is a period of approved absence with pay from official duties to allow an employee a period of time off for personal and emergency purposes, or leave for parental and family responsibilities.
- b. Basic Considerations. Managers and supervisors shall encourage employees to plan their annual leave as far in advance as practical to accommodate operating and work requirements. Supervisors shall consider leave requests in light of current and anticipated workloads and with regard for individual employees' welfare and preference. Employees are entitled to take the annual leave they have earned. However, management has the right to adjust the time when an employee may take earned leave.

##### 2. Granting annual leave.

- a. Leave requests. Except in an emergency, employees shall plan and request to use leave before the absence. In an emergency, an employee must notify his or her supervisor or designated alternate before or as soon as possible when the employee is scheduled to report for duty, normally within 2 hours, to explain the circumstances and request approval for the absence. When the employee requests the leave, the supervisor will advise the employee whether the request is approved.
- b. Charging annual leave. Supervisors will charge annual leave in 15-minute units or multiples thereof. The minimum charge to annual leave for an absence is 15 minutes.

- c. Advance annual leave. Commanding officers for MWR or CGES region managers may authorize employees to use leave they will earn within a leave year at any time during that leave year. Commanding officers for MWR and CGES region managers will advance annual leave individually but not if the employee has demonstrated problems in accruing leave or an irresponsible attitude toward scheduling leave. Commanding officers for MWR and CGES region managers shall advance an employee only as much leave as he or she will earn:
    - (1) During the current leave year.
    - (2) During the term of his or her temporary appointment.
    - (3) Before his or her anticipated separation or retirement date, if the supervisor knows an employee will retire or separate from NAF service within the leave year.
  - d. Requests for advance annual leave. An employee shall use a written Request for Leave or Approved Absence, Standard Form 71 (SF-71), to request advance annual leave.
3. Enforced Annual Leave. Under the two conditions below, supervisors may require employees to use their annual leave or LWOP, if they have no accrued annual leave, with or without their consent:
    - a. In cases of interrupted, suspended, or reduced operations when supervisors can give 24 hours advance notice.
    - b. If an employee is not "ready, willing, and able" to work, and alternate assignments would not be equitable or feasible, for example, failure to wear proper safety equipment or refusing to perform properly assigned duties within the scope of his or her official position.
  4. Accruing Annual Leave. An employee earns annual leave based on hours of creditable NAF service as follows:
    - a. On a pro rata basis according to the total hours worked each pay period and his/her years of service.

<b>Years of Employment</b>	<b>Percentage of Total Hours in a Pay Status</b>	<b>Maximum Hours per Pay Period</b>	<b>Maximum Annual Hours</b>
Fewer than 3	5	4	104
3 to 15	7.69	6	160
More than 15	10	8	208

- b. Do not include overtime hours when computing accrued leave.
  - c. Temporary employees serving under a current appointment of at least 90 days or who have completed 90 days under successive appointments without a break in service earn leave the same as permanent employees. If an employee initially is appointed for fewer than 90 days but the appointment is extended before the expiration date, personnel will credit that employee for annual leave from the initial appointment date.
5. Indebtedness for Advance Leave. Employees who separate from their NAF activity are indebted for any advance annual leave they used before separation. They either refund the advance leave's cash value or payroll collects the amount due for advance leave. A refund is not required if the employee dies, is disabled, supported by an acceptable medical certificate, or enters active military duty with restoration rights. An employee may use compensatory time off worked in lieu of overtime to offset an advance annual leave balance.
6. Maximum Accumulation of Annual Leave. An employee may accumulate and carry forward into a succeeding leave year a maximum amount of annual leave, up to 240 hours, other than restored annual leave, in the last pay period of the leave year.
7. Forfeiting Annual Leave. An employee who has accumulated more than 240 hours of leave must use it or forfeit the excess leave at the beginning of the first complete pay period in the new leave year.
8. Restoring Forfeited Leave. Leave approving officials may restore annual leave forfeited because of business exigencies, sickness, or administrative error only under these limited conditions:
- a. Business Exigencies. The exigency must be so important it prevents using annual leave scheduled in advance and must occur at a time or last so long it is impossible to reschedule the annual leave before the end of the leave year. An exigency of business exists when the necessity for requiring forfeiture of excess annual leave arises from reasonably unforeseeable circumstances beyond the affected employee's control that make it impractical or not in the public interest to grant the affected employee the excess leave. An obvious exigency may arise due to a natural disaster, other public emergency, or unexpected staffing shortages in the organization. For an individual employee, an exigency may arise due to some unforeseen public business that prevents him or her from using the planned annual leave, e.g., a sudden call to jury duty or a call to military duty to preserve public order. The supervisor normally decides whether the exigency is so important it precludes using the scheduled annual leave before canceling it. To qualify under this provision, the annual leave must be approved in writing and scheduled for use before the start of the third biweekly pay period before the leave year's end, although the employee may have scheduled to go on leave during the last 3 pay

periods of the leave year.

- b. Sickness. A medical condition must interfere with using annual leave scheduled in advance and occur or continue so late in the leave year the employee could not reschedule the annual leave to avoid forfeiture. Excessive work-load caused by absence due to illness is not sufficient grounds to restore leave unless a genuine exigency of the public business, as specified in Paragraph C.11.a. of this Chapter, occurs. Both the employee and management have a responsibility to schedule or reschedule annual leave to avoid forfeiture, particularly true if the employee knows a medical or physical condition will require his or her absence before the end of the leave year.
  - c. Administrative Error. Annual leave forfeited because of administrative error may be restored. The activity will pay former employees who forfeited annual leave because of administrative error a lump sum if the error is not discovered until after separation from the NAF activity.
9. Time Limit for Using Restored Excess Annual Leave. An employee must schedule and use restored annual leave by these deadlines or he or she again forfeits the leave without the possibility of restoration.
- a. After an exigency by the end of the leave year ending 2 years after the date the exigency ended.
  - b. After an illness by the end of the leave year ending 2 years after the date the employee is judged recovered and able to return to duty.
  - c. After correcting an administrative error by the end of the leave year ending 2 years after the date restored.
10. Separate Leave Carry-Over Account. Annual leave restored under any provision in Paragraph C.11 of this Chapter, must be credited to a separate leave account and used within the specified time limit. The amount of restored leave does not in any way affect an employee's normal maximum permissible carry-over of annual leave into a new leave year. The employee again forfeits any restored leave unused when the 2-year restoration period expires with no further right to restoration. If the employee does not use the restored leave and separates from active service before the specified time limit expires, he or she is entitled to a lump sum payment for the unused leave; see Paragraph C.12. of this Chapter.
11. Procedure to Restore Excess Annual Leave.
- a. If an operational exigency occurs that will prevent an employee from using scheduled annual leave, his or her supervisor or another appropriate manager will prepare a request to determine whether the affected employee is entitled to carry

over excess annual leave into the next leave year. The request must:

- (1) Describe the exigency or operational need involved.
  - (2) Explain why canceling scheduled annual leave was the only alternative.
  - (3) Document the dates and amount of previously scheduled approved annual leave affected, such as with a copy of an approved leave schedule or SF-71.
- b. If illness, injury, or any other medical condition occurs at the end of the leave year and causes an employee to forfeit previously scheduled and approved annual leave, the employee's supervisor or another appropriate manager should prepare a request to determine whether the employee is entitled to carry over excess annual leave into the next leave year and send the request to the CGES Manager or MWR Officer by 30 days after the leave year ends. The request must:
- (1) Contain the date the illness, injury, or other medical condition causing absence on sick leave began and expected duration of the employee's current absence.
  - (2) Explain why the employee will forfeit annual leave and why rescheduling is impossible.
  - (3) Document the dates and amount of previously scheduled and approved annual leave with a copy of an approved leave schedule or SF-71.
- c. If administrative error resulting in forfeiture of annual leave is discovered, the discovering office or person shall prepare a request to approve restoring annual leave and send the request to the CGES Manager or MWR Officer by 30 days after the administrative error was discovered. The request will:
- (1) Describe the administrative error that resulted in forfeiting annual leave; and
  - (2) State the amount of leave forfeited or
  - (3) State the lump sum amount due a former employee who forfeited annual leave due to administrative error.

12. Lump Sum Payment for Annual Leave. Any employee who separates from NAF service or elects to receive a lump sum payment for leave on entering Armed Forces active duty, and only for these two reasons, will receive compensation in a lump sum for accrued annual leave to his or her credit. An individual will not receive annual leave payment while identified as a "current employee" except for the provisions in Paragraph 16 below. A deceased employee's beneficiary can receive a lump sum payment.

13. Lump Sum Payment for Excess Annual Leave Due to Reduction in Grade or Pay Band.  
An employee who is reduced in grade or pay band must receive a lump sum payment of annual leave for the difference in value from the employee's previous pay rate to the employee's new reduced pay rate. For example: previous rate of pay was \$15 per hour x 200 hours equals \$3,000. Employee has been reduced to a lower rate of pay of \$10 per hour x 200 hours which equals \$2,000. That employee would receive a lump sum payment of leave for \$1,000. Employees may only receive payment for the leave and cannot convert leave to a higher amount due to the reduced rate of pay. This policy is retroactive to 1 January 1999.
14. Refunding Lump Sum Leave Payment. If a Coast Guard NAF reemploys a person before the period covered by the lump sum payment ends, he or she must refund to the employing activity an amount equal to the leave payment covering the period between the reemployment date and the end of the period covered by the lump sum payment. The activity then re-credits to the employee a corresponding amount of annual leave up to the maximum amount the employee was permitted to carry over into the leave year of separation. However, the employee need not refund any payment for restored annual leave included in the lump sum payment because restored annual leave may not be re-credited to an employee.
15. Transferring Leave Balance. If a Coast Guard NAF employee transfers to another Coast Guard NAF, his or her annual leave transfers without limit. The employee receives the full amount of leave, even if he or she earns higher pay from the gaining employment system. The employee may not cash in any portion of the accumulated leave balance.
16. Transferring Funds. Under portability, when an employee moves from a Coast Guard appropriated fund position to a nonappropriated fund position and vice versa, funds are not transferred between systems. However, when an employee moves from one Coast Guard NAF to another Coast Guard NAF, the previous NAF activity will send a check in the amount of the employee's annual leave balance to the gaining NAF activity.
17. Abusing Annual Leave. If an employee appears to be using annual leave improperly, e.g., chronically using emergency annual leave, his or her supervisor may require the employee to comply with special leave procedures more stringent than those applied to other employees; Disciplinary and Adverse Actions, Chapter 9 of this Manual.

D. Voluntary Leave Transfer.

1. A NAF employee may voluntarily transfer annual leave to another NAF employee who has exhausted all earned sick and annual leave due to either the employee's or an immediate family member's serious medical condition. This leave converts to sick leave calculated at a dollar value at the receiving NAF activity if the employee suffers illness or annual leave if the employee cares for a family member. Thus, if an employee earns \$5.15 an hour and transfers 10 leave hours, the receiving NAF gets \$51.50. If the receiving employee earns \$10 an hour he or she receives 5 hours of

appropriate leave. An employee requesting leave donations shall apply to receive donated leave under this program to the proposed leave recipient's employing activity. The application shall include:

- a. The proposed leave recipient's name, position title, and grade or pay band;
  - b. The reason(s) why the recipient needs transferred leave. Briefly describe the nature, severity, anticipated duration, and, if recurring, approximate frequency of the medical emergency involved;
  - c. One or more physicians' or other appropriate experts' certification of the information in Paragraph D.1.b. of this Chapter.
  - d. Any other information the employing activity may reasonably require.
2. Transferred annual leave may accumulate with no limit. The recipient may substitute it retroactively for any LWOP period or use it to liquidate indebtedness for any period of advanced leave that began on or after the date the medical emergency began.
  3. An employee may request his or her employing activity in writing to transfer (donate) a specific number of hours from his or her annual leave account to the recipient's annual leave account.
    - a. A leave donor may donate up to one-half the amount of annual leave he or she would accrue during the leave year.
    - b. A leave donor projected to have annual leave otherwise subject to forfeiture at the end of the leave year may donate a maximum of the number of hours remaining in the leave year as of the donation date for which the leave donor is scheduled to work and receive pay.
  4. If the leave recipient has any transferred leave remaining to his or her credit when the medical emergency concludes, the recipient's activity shall transfer the leave to its donors on a pro-rated basis. A leave donor can choose either of these options:
    - a. Credit such leave to his or her annual leave account; or
    - b. At the donor's request, donate all or part of such leave to another leave recipient.

E. Sick Leave. A supervisor or manager may grant sick leave for these absences:

1. Using Sick Leave. The employee cannot perform his or her duties due to incapacitating sickness, injury, confinement due to pregnancy, emotional stress, or mental illness.
  - a. Personal medical, dental, or optical examination or treatment.



- b. In certain circumstances involving a contagious disease.
2. Using Sick Leave Improperly. An employee shall not use sick leave in these circumstances:
- a. Illness or other circumstances do not render the employee personally unfit for duty. Family illness does not make an employee unfit for duty, except as Paragraph 7.E.3. of this Chapter stipulates.
  - b. In place of annual leave.
3. Abusing Sick Leave. If an employee appears to be using sick leave improperly, e.g., by chronically using brief periods of sick leave, his or her supervisor may require the employee to comply with special leave procedures more stringent than those applied to other employees. See Exhibit 9-6 in Chapter 9, Letter of Requirement.
4. Granting Sick Leave.
- a. Requests for Leave.
    - (1) Absence for Illness. Employees who wish to request sick leave while ill must:
      - (a) Make every effort to notify their supervisor about the illness before their scheduled workday starts, but in all cases by 2 hours after they were scheduled to report for duty.
      - (b) Notify their supervisor(s) before leaving work due to illness during normal duty hours.
      - (c) Request and obtain approval of sick leave for the absence.
    - (2) Absence for prearranged examination or treatment. An employee must obtain his or her supervisor's advance approval for any absence to undergo any medical, dental, or optical examination or any pre-arranged treatment so the supervisor can charge the absence to sick leave.
  - b. Supporting Evidence.
    - (1) Absences Longer Than 3 Days. A medical certificate normally is required for absences longer than 3 workdays.
    - (2) Furnishing Additional Evidence. If a supervisor reasonably doubts the validity of a sick leave request, he or she may require a medical certificate for an absence of 3 or fewer days. Except in unusual situations in which Service needs require otherwise, the supervisor shall give the employee advance written notice if a medical certificate is required for absences of 3 or fewer days. This

requirement remains effective until the supervisor revokes it in writing. If an employee fails to comply, the supervisor normally will regard and charge the absence as absence without leave (AWOL), which may furnish grounds for disciplinary action.

- c. Charging Sick Leave. Supervisors shall charge sick leave in 15-minute units or multiples thereof at a minimum of 15 minutes.
- d. Advance Sick Leave. If an employee is seriously ill, the commanding officer for MWR or CGES region manager may grant an individual employee advance sick leave even if he or she has no credited annual leave. However, do not grant advance sick leave to an employee who has filed for short-term disability, because payment for such leave is not recoverable if the employee separates. Commanding officers for MWR and CGES region manager are the authorizing officials for advance sick leave.
  - (1) Limits on Advance Leave. Advance sick leave is subject to these limitations:
    - (a) The absence is expected to last at least 24 or more hours, although the advance may be for less than the total absence.
    - (b) The maximum amount advanced to a permanent full-time employee who has completed a probationary period in Coast Guard NAF service is 30 days at any time. Sick leave may be advanced on a pro rata basis to part-time employees working a regular tour of duty.
    - (c) Commanding officers for MWR and CGES region managers may not advance a probationary employee more sick leave than he or she will earn in the remainder of his or her current service year unless it is determined that the employee's service will continue beyond the end of the service year.
    - (d) The total amount of sick leave advanced to an employee serving under a limited appointment or one expiring on a certain date may not exceed the amount he or she will earn during the remaining period of the appointment.
  - (2) Requests for Advance Sick Leave. An employee must support an application for advance sick leave with a medical certificate containing a diagnosis, prognosis, and physician's estimate of when the employee will be able to resume regular duty. The employee's request must be in writing; an appropriate leave approving official must sign it. When approving advance sick leave, leave approving officials should examine each request individually. An SF-71 may be used for this purpose.

5. Employee Sick Leave for Family Care.

- a. Employees may use sick leave to care for an ill parent, child, spouse, or other family member. Family member means any individual related by blood or whose relationship to the employee is the equivalent of a family relationship. To care for a family member employees may use up to 40 hours per year or 104 hours per year, if they maintain a balance of at least 80 hours of sick leave, to care for a family member.
- b. Employees may use sick leave to take care of family members who are physically or mentally ill; to help family members who are injured, pregnant, or recovering from childbirth; for any activity involved in adopting a child; to attend a family member's funeral; or for bereavement purposes.
- c. Employees are entitled to 7 days of paid leave each calendar year in addition to annual and sick leave to serve as a bone marrow or organ donor. Employees may use this leave or leave to which otherwise entitled without loss of or reduction in pay, credit for time or service, or performance or efficiency rating.

6. Enforced Sick Leave. A supervisor may not place an employee on sick leave without his or her consent. If an employee at a worksite appears physically or mentally unable to work safely and efficiently but will not request sick leave, the supervisor may place the employee on enforced annual leave or LWOP.

7. Accrual and Accumulation. Sick leave accrues and accumulates to employees as follows:

- a. Employees accrue sick leave at the rate of 5 percent of total hours in a pay status up to 4 hours per biweekly pay period.
- b. Sick leave not used during the year in which earned accumulates with no limit on the amount and is available for use in succeeding years.

8. Indebtedness for Advance Sick Leave. Employees separating from NAF service owe any advance sick leave they have not repaid. The employee should refund the advance leave's cash value, or the activity will collect the amount due for advance leave under appropriate accounting procedures. A refund for advance leave is not required if the employee died or separates due to disability supported by an acceptable medical certificate or enters active military duty with restoration rights.

9. Substituting Leave.

- a. If an employee is ill during a period of scheduled annual leave, the supervisor may charge the period of illness to sick leave.

- b. On separation, an employee may substitute annual leave to liquidate indebtedness for advance sick leave unless he or she substituted annual leave for sick leave to avoid forfeiting annual leave.
10. Re-credit and Transfer of Sick Leave. If an employee transfers between units, the former supervisor shall certify the employee's sick leave account for credit or debit in his or her new position. The new supervisor re-credits unused sick leave when the employee is reemployed if his or her break in service is 1 year or less, with these exceptions:
- a. If a Coast Guard AF employee becomes a Coast Guard NAF employee with a break in service of 3 or fewer days, all sick leave transfers without limit. The former activity will credit the employee with the full amount of sick leave even if he or she earns higher pay from the gaining system. The gaining system administers leave under its rules. Funds do not transfer.
  - b. If a DoD AF or NAF employee transfers to a Coast Guard NAF, his or her sick leave does not transfer.
  - c. Any employee reduced from full or part-time to regularly scheduled intermittent status may retain accumulated sick leave and use it under established procedures, provided:
    - (1) The NAF activity has employed that person for at least 1 year.
    - (2) The employee works an intermittent schedule established in advance, and the sick leave request is for a scheduled workday.
    - (3) The employee did not move to intermittent status for personal cause or at his or her own request.
    - (4) Once the employee uses the accumulated sick leave, the personnel office will enter a zero balance in the employee's sick leave account, notify him or her, and document records for audit purposes.
11. Transferring Funds. During the first 12 months after an employee's transfer or rehire the former Coast Guard activity (NAF) will reimburse the gaining activity for any accumulated, approved sick leave the employee has used if the leave:
- a. Exceeds his or her entitlement during the employee's first year with the gaining activity.
  - b. Does not exceed the amount of accumulated sick leave the employee had to his or her credit.

12. Reimbursement. The gaining activity must include a verified statement of the sick leave balance transferred and leave granted with a request for reimbursement. Reimbursement is not authorized for absences covered by advanced sick leave.

F. Absence Without Pay.

1. Granting Leave Without Pay (LWOP).

- a. Administrative Discretion. Leave approving officials authorize LWOP at their discretion. Leave without pay is not a matter of right except for these employees:
  - (1) Disabled veterans requiring periodic medical treatment for a Service-connected disability.
  - (2) Reservists and National Guardsmen ordered to perform military training duties if military leave does not cover the absence and it is shorter than 3 consecutive months.
- b. Charging LWOP. As with annual and sick leave, LWOP is charged in 15-minute units or multiples at a minimum absence of 15 minutes.
- c. Leave Without Pay Status and Holiday Pay. An employee on LWOP for any portion of the scheduled workday immediately before or after a holiday does not receive holiday pay.

2. Extended LWOP.

- a. Basic Considerations. Examine closely each request for extended LWOP, such as for 30 or more days, to ensure its value to NAF or the employee's serious needs are sufficient to offset the costs and administrative inconveniences involved, including:
  - (1) The employee's ability to pay his or her share of benefit payments.
  - (2) Loss of needed services.
  - (3) The obligation to re-employ the employee after the leave period.
  - (4) Retirement and health and life insurance benefit costs.
- b. Conditions of Approval. As a basic condition for approving extended LWOP, the employee should reasonably expect he or she will return after the approved period. In addition, it should be apparent at least one of these benefits would result:
  - (1) Increased job ability.

- (2) Protecting or improving the employee's health.
  - (3) Retaining a desirable employee.
  - (4) Furthering a NAF activity program.
  - c. Examples of Proper Cases. Leave without pay is appropriate to meet the needs of infant care, the adoption process, foster care, child care, and other parental and family responsibilities. These types of situations ordinarily warrant granting extended LWOP:
    - (1) To recover from serious but temporary illness or disability if continued or immediate return to employment might impair the employee's or other employees' health. The maximum permissible amount of LWOP for such illness or disability is 1 year.
    - (2) The employee does not have the required 60 days of sick leave for short-term disability benefits.
    - (3) To protect an employee's status pending determination of a compensation claim resulting from an employment-connected injury or disease. The maximum permissible amount of LWOP for such injury or disease is 1 year.
    - (4) For up to 90 days to seek other Coast Guard NAF employment.
  - d. Duration of LWOP For Disability Reasons. An employee who has been granted leave without pay due to a disability (including serious illness or an on-the-job-injury, etc.) will at the end of 1 year, be separated without prejudice if it is determined by medical authority that he or she is unable to perform the duties of the position and if all reasonable efforts to reassign to another position have failed.
  - e. Duration. The maximum initial LWOP period is 6 months except as noted in examples (1) through (4) above. Leave approving officials should scrutinize a renewal request very carefully and normally deny it unless extenuating circumstances exist. If an employee fails to return to duty within 7 calendar days of the particular approved period of leave without pay, he or she may be separated for abandonment of position.
3. Approving LWOP Requests.
- a. Requests for 30 or Fewer Calendar Days. Employees should request LWOP on an SF-71; the supervisor or manager has approval authority. Time and attendance reports will reflect the exact LWOP dates.
  - b. Requests Longer Than 30 Calendar Days. An employee must request LWOP exceeding 30 calendar days in total on an SF-71 and include a written statement justifying the request. Leave approving officials should evaluate extended LWOP

requests individually. If an employee requests LWOP for health reasons, he or she must include a statement from the physician or other practitioner indicating the need for the absence; a prognosis; the anticipated duration of the absence; and the expectation the employee will be able to return to work after the LWOP. If the leave approving official approves the employee's request, he or she must submit it with a completed Request for Personnel Action, Standard Form 52 (SF-52), 1 full pay period before the LWOP's effective date to the MWR Officer or CGES region manager for concurrence. The personnel office will issue a Notification of Personnel Action, Standard Form 50 (SF-50), documenting the LWOP. When the employee returns to duty, his or her office must submit a second SF-52 to the personnel office for preparation of an SF-50 showing return to duty.

4. Absence Without Leave (AWOL).

- a. If an employee is absent from duty without approval, leave approving officials shall charge the absence as AWOL. The employee can avoid the AWOL if he or she explains the cause to the immediate supervisor and, when appropriate, the reason for failing to ask permission to be absent. The employee must request leave or LWOP, as appropriate, to cover the absence. If the immediate supervisor does not consider the employee's explanation acceptable, he or she will charge the absence as AWOL. The immediate supervisor should automatically review any such unauthorized absence to determine if disciplinary action is warranted. The charge to AWOL and subsequent loss of pay are not themselves a disciplinary action but rather record an unauthorized absence and attendant loss of pay resulting from it. Supervisors must consult the personnel office or equivalent for guidance before initiating any disciplinary action.
- b. An employee AWOL for the entire scheduled workday immediately before or after a holiday forfeits holiday pay.

G. Family and Medical Leave Act of 1993.

1. General. The Family and Medical Leave Act (FMLA) requires employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. The FMLA is intended to allow employees to balance their work and family life by taking reasonable amounts of leave for medical reasons; for a child's birth, adoption, or foster care; and to care for a child, spouse, or parent who has a serious health condition.
2. Coverage. All NAF employees are eligible provided they meet both aspects of these two criteria:
  - a. The Coast Guard Nonappropriated Fund Activity must have employed the employee for at least 1 year.

- b. The employee must have been in a pay status for at least 1,250 hours before the leave begins.

3. Purposes for Which Family and Medical Leave May be Used.

- a. To care for a newborn child within the first year.
- b. To care for an adopted or foster child within the first year.
- c. To care for a seriously ill spouse, child, or parent.
- d. To care for his or her own serious health condition that prevents him or her from performing his or her duties.

(1) Serious health condition means a physical or mental illness, injury, or impairment involving a:

- (a) Period of incapacity, treatment, or care in a hospital, hospice, or residential medical care facility.
- (b) Condition resulting in an incapacity requiring an absence of 4 or more calendar days and involving continuing treatment by a health care provider.
- (c) Health care provider's continuing treatment or supervision for a chronic or long-term condition that, if not treated, would likely result in an incapacity lasting longer than 3 calendar days.

(2) Continuing treatment by a health care provider means:

- (a) A health care provider treated the employee twice or more.
- (b) Under orders or on referral a health care provider treated the employee twice or more or treated at least once, resulting in a regimen of continuing treatment under either a health care provider's or designated professional's supervision.
- (c) Under a health care provider's continuing supervision for a serious long-term or chronic condition or an incurable disability.

4. Employee Responsibilities.

- a. The employee must provide 30 days advance notice if the leave is "foreseeable".
- b. The employee must provide a health care provider's medical certification before beginning FMLA leave.



- c. The employee must notify his or her immediate supervisor of the intent to invoke FMLA leave.
- d. The employee must submit a written request and supporting documentation to the MWR Officer or CGES Manager.
- e. The request must state, "I invoke my entitlement under the Family and Medical Leave Act" and the reason for the request.
- f. An employee may elect to substitute accrued, paid leave for unpaid FMLA leave under current law and regulations. However, the employee may not retroactively substitute paid time off for FMLA leave.
- g. The employee will either pay his or her share of NAF insurance and retirement plan costs during the FMLA leave or establish a payment plan before beginning FMLA leave. The payment plan will become effective when the employee returns to a pay status.
- h. The employee is entitled to 12 weeks of unpaid, job-protected leave in a 12-month period. The 12-month period begins upon commencement of the FMLA leave.

5. Employer Responsibilities.

- a. On receiving a properly completed SF-71, the employer will grant FMLA leave.
- b. The employer cannot require the employee to substitute accrued leave for FMLA leave.
- c. When the employee returns from FMLA leave, the employer will restore the employee to either the employee's original position or one of equivalent pay, benefits, and responsibilities.
- d. If the employee requests, the employer will pay all employee costs for NAF insurance and retirement payments during the FMLA leave. The employee must reimburse the employer upon return from FMLA leave.
- e. Using FMLA leave will not cause the employee to lose an employment benefit that accrued before the FMLA leave started.
- f. The employer must maintain this information in the employee's official personnel folder:
  - (1) The employee's basic pay rate.
  - (2) The occupational series of the employee's position.

- (3) The number of hours of FMLA leave taken.
  - (4) Whether the leave was family or medical leave.
  - (5) The effective FMLA leave dates.
6. Certifying fitness for duty. If an employee has taken FMLA leave due to his or her own serious health condition, the health care provider must certify the employee's fitness for duty before he or she can resume work. The certification must include the employee's range of capabilities, e.g., light duty, full duty, no lifting, etc., and a return to duty date.

#### H. Absence for Parental and Family Responsibilities.

- 1. General. Because personal life affects job performance, an employee's family responsibilities should be a valid consideration in weighing leave requests. Leave approving officials are encouraged to weigh carefully expectant or newborn parents' needs and responsibilities and balance those needs against their organization's work requirements. The law and regulations do not recognize a separate leave category for parental and family absences. Charge absences for such reasons to the appropriate leave category. Accordingly, this section supplements but does not supersede this Chapter's sections discussing the type of leave applied to such absences.
- 2. Responsibilities.
  - a. Employee Responsibilities.
    - (1) Employees who expect to use leave for family reasons should request it far enough in advance to enable their supervisor to adjust work loads.
    - (2) As with any medical condition, if a question exists about a pregnant employee's ability to perform the job, she should give the supervisor a physician's written statement specifying any job-related restrictions.
    - (3) If an employee plans not to return to work after a maternity absence, she should offer her resignation effective when the period of incapacity or approved sick leave expires, if her sick leave expires before the end of the incapacity.
  - b. Employer Responsibilities.
    - (1) A Coast Guard NAF activity will reasonably consider requests for leave due to parental and family responsibilities.
    - (2) If an employee submits a request supported by a medical statement to temporarily modify duties or a temporary reassignment for health reasons, the

leave approving official shall reasonably attempt to grant the request.

- (3) When an employee returns to work after an approved maternity leave, the activity must return her to her former or a similar position with no loss in grade, pay band level, or pay. This obligation does not apply if termination is otherwise required, as in cases of expired appointment, reduction-in-force, separation for cause, or other reasons unrelated to absence while on maternity leave.
3. Rest Periods. If a medical authority recommends, the immediate supervisor may treat brief, recurring absences for rest for pregnancy reasons during the employee's tour of duty as excused absences if they do not disrupt work operations. The employee typically will spend such rest periods in a health unit or comparable place.
4. Granting Leave. Parental and family leave may consist of a combination of approved sick leave, annual leave, compensatory time off, or LWOP, as appropriate. Childbirth or pregnancy complications are temporary disabilities for the mother; for leave purposes the immediate supervisor must treat them the same as any other physical condition that incapacitates an employee.
  - a. Sick Leave. The immediate supervisor shall grant an employee her accrued sick leave for maternity if she presents a statement from her physician certifying she is incapacitated for duty. The medical certificate should indicate the expected delivery date, the date she should cease working, any performance restrictions, for example, required rest periods, and the probable date she can return to work. Leave approving officials may grant advance maternity sick leave in accordance with the delegations of authority in this Manual, provided they are reasonably sure the employee will return to duty as soon as practical. Sick leave is not appropriate for fathers or the period immediately after the arrival of an adopted child.
  - b. Annual Leave. The immediate supervisor will grant annual leave for parental or family reasons under Paragraph G.I. of this Chapter. A supervisor may grant an employee annual leave while incapacitated or to cover the time to care for the newborn, the mother, or an adopted child. If the employee intends to return to duty as soon as practical, the supervisor may grant advance annual leave for parental or family reasons.
  - c. Other Leave. A supervisor may grant an employee who intends to return to duty LWOP for parental or family responsibilities under Paragraphs G. of this Chapter, or compensatory time off under Paragraph L.I.a. of this Chapter.
5. Temporary Employees. A supervisor may grant a temporary employee serving under a limited appointment for a specific period accrued sick and annual leave for parental and family responsibilities if the leave would not extend beyond when the employee's appointment expires but may not grant more advance annual or sick leave than the employee will earn during the temporary employment.

## I. Court Leave.

1. Definition. Court leave is an authorized absence from work without charge to leave or loss of compensation when:
  - a. Serving as a juror in United States, state, District of Columbia, and United States territorial courts, including the Commonwealth of Puerto Rico.
  - b. Summoned to appear as an official witness in a judicial proceeding on behalf of a state or local Government or a private party when the United States, the District of Columbia, a state, or a local Government is a party. NOTE: Paragraph I.3. of this Chapter covers absences for other witness service, which must be either recorded as official duty or charged to annual leave or LWOP.
    - (1) A summons includes a subpoena or official written request or invitation issued by the court or authority responsible for conducting the judicial proceedings has issued. An employee who simply volunteers or is a defendant is not entitled to court leave.
    - (2) A judicial proceeding means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other court proceeding including hearings and conferences before a committing court, magistrate, or commission; grand jury proceedings; a coroner's inquest; and hearings and conferences conducted by a prosecuting attorney to determine whether to file charges in a particular case. Court leave covers all the proceeding's stages: preliminary, hearing, inquest, trial, or deposition-taking. Court leave does not include an administrative proceeding.
2. Employee Eligibility. A supervisor may grant court leave to employees eligible as follows:
  - a. To permanent or temporary employees on part- or full-time schedules.
  - b. To night shift employees performing court service during the day for their regularly scheduled night tours; they are entitled to the night differential they normally would have earned.
  - c. An employee performing duty for a full workday who then sits on a grand jury in the evening on the following day to the extent necessary to relieve hardship.
  - d. Intermittent employees are not eligible for court leave.

3. Granting Leave.

- a. A supervisor will grant eligible employees ordered to serve as jurors or witnesses leave for the entire period required. Court leave extends from the reporting date the summons specifies until the employee is discharged, no matter the number of hours per day or days per week. If an employee is discharged or excused for a half-day or more, he or she must return to duty if his or her place of employment is located in the same local commuting area as the court.
  - b. A supervisor must charge annual leave or LWOP for these absences if an employee:
    - (1) Is called as a witness in a private capacity on behalf of a private party and no Government is a party to the judicial proceedings.
    - (2) Is on leave without pay when called for jury duty or other qualifying witness service. Court leave is available only to an employee who otherwise would be on duty or leave with pay.
  - c. Record official duty status, rather than leave, for absences of employees whom the Coast Guard summons or assigns to testify:
    - (1) Officially or privately or to produce official records on behalf of the United States or District of Columbia Governments, or
    - (2) Officially or to produce official records on behalf of a state or local Government or private party.
  - d. An employee eligible for court leave may not elect to take annual leave instead, since doing so would reduce accumulated leave, which is prohibited. An employee may not substitute annual leave for court leave to avoid a forfeiture at the end of the leave year.
  - e. An employee summoned to attend court must notify his or her immediate supervisor as soon as possible by submitting an SF-71 and attaching a copy of the order or subpoena requiring attendance in court. On return to duty, the employee must produce a certificate of attendance verifying the time spent as a witness or on jury duty signed by the Clerk of the Court or other appropriate official.
4. Fees Received on Court Leave. Employees ineligible for court leave may retain all fees and allowances they receive for their court service. Employees eligible for court leave must submit any fees received to the NAF accounting office. However, they may retain any portion of the fee exceeding their normal compensation. Mileage or reimbursement of actual expenses incurred on jury service are not considered fees and employees may retain them and any fees received for service on non-workdays in full.

5. Travel Expenses. If such service is part of his or her official duty, an employee appearing as a witness is entitled to travel expenses at the same rates and amounts allowable for other purposes under law (5 USC 5701-5708) and regulations. The employee must refund the difference between Government-paid travel expenses and those paid by the court, authority, or party summoning the employee.

J. Military Leave for Training (MLT).

1. General. Military Leave for Training (MLT) is approved absence from official duty without charge to leave or loss of pay authorized for eligible employees who are National Guard or Armed Forces Reserve members. Eligible employees are entitled to 1 day's MLT for each day on active duty or engaged in field or coastal defense training, up to 15 calendar days in any leave year.
2. Military Leave for Training Eligibility.
  - a. Both full and part-time permanent employees who are National Guard or Armed Forces Reserve members are entitled to MLT.
  - b. Temporary and intermittent status employees are not entitled to MLT.
  - c. An employee who resigns to enter active military duty is not entitled to MLT.
3. Accruing and Accumulating MLT. At the beginning of the leave year, credit full-time employees Military Leave for Training at the rate of 15 days per fiscal year and part-time employees on a pro-rated basis. An employee can accrue up to 15 unused days of MLT in a fiscal year, carry them forward to the next fiscal year, and add them to the MLT days accrued in that year. A full-time employee thus can carry up to 30 MLT days during a fiscal year. However, if the employee does not use the 15-day carryover for military training before the end of the fiscal year, he or she forfeits the MLT.
4. Types of Military Duty Not Covered by MLT. Employees are ineligible for MLT for these types of military duty:
  - a. Reserve Officers Training Corps summer training; carry these employees in LWOP status.
  - b. Temporary Coast Guard Reserve.
  - c. State National Guard parade participation; however, by specific statute, District of Columbia National Guard members are entitled to MLT for parade participation.
  - d. Training with a state defense or military organization not a part of the National Guard or any other state organization created during an emergency in the absence of

a state National Guard.

- e. Weekly District of Columbia National Guard drills and meetings.
- f. Civil Air Patrol, a United States Air Force civilian auxiliary.
- g. Time taken on a workday to travel to the training location unless military training orders encompass the required travel time.
- h. Active duty as a U. S. Public Health Service Reserve Corps commissioned officer.

5. Approving MLT.

- a. Employee responsibility. Employees who can volunteer or arrange for their military training duty must discuss their plans for military duty and request approval in advance.
- b. Evidence Required for MLT. For initial MLT authorization, an employee must furnish a copy of the military order calling him or her to duty. On returning from military duty, the employee must furnish official evidence he or she performed military duty. Acceptable certification includes a copy of his or her military orders showing all endorsements in lieu of military officials' original signatures or other official documents issued by the National Guard or an appropriate Armed Forces reserve component.
- c. Mandatory approval. If an employee has followed leave procedures and provided acceptable evidence, approving MLT requests is mandatory.

6. Computing MLT. Military Leave for Training is computed on a calendar day basis. The personnel office will not charge non-workdays at the beginning or end of the leave period to MLT. For example, an employee absent on MLT from Monday of 1 week through Friday of the next would use MLT on the intervening Saturday and Sunday, but not on the Saturday and Sunday immediately preceding and after the period of military training duty. An otherwise eligible employee is entitled to MLT for each military training tour up to the limit of his or her accrued, accumulated MLT for that leave year.

7. Converting Other Leave to MLT.

- a. Annual Leave. If an otherwise eligible employee absent on annual leave is ordered to military training duty, on request he or she is entitled to have the annual leave converted to MLT.
- b. Leave Without Pay (LWOP). An employee on extended LWOP ordered to military training duty may not convert the LWOP to MLT. However, if an eligible employee takes approved LWOP immediately before or after military training duty to attend to personal matters, his or her eligibility for MLT remains the same.

8. Using Other Leave for Military Training. If a National Guard or Armed Forces Reserve member is not entitled to, does not request, or has exhausted his or her MLT, leave approving officials shall grant the employee annual leave or LWOP, as requested, to perform active or inactive duty, except as follows:
  - a. If the employee is ordered to an initial period of active duty for training longer than 3 consecutive months, the leave approving official has the option to grant the requested annual leave or LWOP or to separate or furlough the employee.
  - b. If an employee will continue military active duty for an extended period, usually more than 1 year, after exhausting any requested MLT to which entitled, he or she must be separated or furloughed, since his or her entitlements on restoration will be the same as if he or she continued in a leave status.
  - c. As with military leave, an employee electing annual leave receives full compensation from the civilian position for each workday charged to annual leave in addition to his or her military pay for the same period.
9. Pay Status During MLT.
  - a. Employees absent on MLT are entitled to receive their regular civilian pay and the military pay and allowances to which entitled.
  - b. An employee absent on an overtime day on which he or she is regularly scheduled to work is entitled to overtime compensation for that day, provided he or she was in a pay status for 40 hours of the basic workweek before entering MLT status. An employee is entitled to night differential and Sunday premium pay during a MLT period when he or she, if in a duty status, would have earned them.
10. Absence for Physical Examination. A supervisor may grant an excused absence to employees to take a physical examination required by Armed Forces reserve components or the National Guard.
- K. Funeral Leave. A supervisor grants requested funeral leave to allow an employee to arrange or attend a funeral or memorial service for an immediate family member who died due to a wound, disease, or injury incurred while serving as an Armed Forces member in a combat zone. Funeral leave extends up to 3 workdays without loss of or reduction in pay or leave to which an employee otherwise is entitled. The 3 days need not be consecutive, but if not, the employee must furnish satisfactory reasons to justify granting funeral leave for non-consecutive days. Employees may be eligible for funeral leave under Paragraph E.5.b. of this Chapter, Employee Sick Leave for Family Care.



## L. Compensatory Time Off.

### 1. General.

- a. Compensatory (comp) time off is compensation in lieu of monetary overtime pay. While it is not a true leave category, this Chapter discusses it to inform and guide supervisors on its use.
- b. Federal Wage System, 5 USC 5542 and 5543, govern an employee's eligibility to accrue compensatory time off (see Paragraph 2, Accruing Compensatory Time Off, below).
- c. All crafts and trades and pay band employees may be granted comp time in lieu of overtime pay for equal amount of irregular or occasional overtime work. An eligible employee may request comp time in lieu of overtime pay. Such request must be approved by the employee's supervisor.
- d. An eligible employee required to travel on a non-workday receives premium pay corresponding to normal hours worked for hours in excess of the basic 40-hour workweek. For example, an employee who works 8:30 a.m. to 5:00 p.m. receives premium pay *only* for hours traveled during 8:30 a.m. to 5:00 p.m. An employee can request compensatory time at the basic pay rate in lieu of premium pay.

### 2. Accruing Compensatory Time Off. Compensatory time off accrues at 1 hour for each overtime hour worked up to a maximum of 80 accrued hours at any time, after which all time accrued earns overtime pay.

### 3. Using Compensatory Time Off.

- a. An employee must use compensatory time off when convenient to both the employee and leave approving official within a reasonable period of time after working the overtime. Comp time off must be used within 90 days of accrual. If not used within above established time period the comp time converts to overtime pay at one and one half times the basic pay rate at which it was earned (see Paragraph c. below).
- b. An employee must use accrued compensatory time off before annual leave is approved, unless the employee would forfeit annual leave at the end of the leave year.
- c. A supervisor and employee should set the employee's separation or transfer date from the NAF to allow him or her to use all accrued compensatory time off, if practical. Otherwise, at separation all unused compensatory time off converts to paid overtime at the rate of one and one half times the basic pay rate in the grade or pay band at which the employee earned the compensatory time.

4. Compensatory Time for Religious Observances.

- a. Both non-exempt and exempt employees whose personal religious beliefs require absence from work may request to work overtime and earn compensatory time off to use for those religious observances. The personnel office maintains such compensatory time off in a separate balance exempt from restrictions in Paragraph L.1. through 3 of this Chapter. Modifying work schedules for this purpose should not interfere with accomplishing the NAF mission efficiently.
- b. An employee may work such overtime either before or after using the compensatory time off, but should repay advance compensatory time by the appropriate overtime work within a reasonable amount of time. If no productive overtime is available when the employee requests it, the immediate supervisor should arrange alternate times for performing the overtime work. It is strongly recommended supervisor and employee agree on the date(s) the employee will work the overtime before the supervisor approves the request for compensatory time.

M. Excused Absences.

1. General. An excused absence, also called administrative leave, is an absence from duty with neither loss of pay nor charge to an employee's leave account. Employees may appropriately take excused absences in several situations.
2. Tardiness and Brief Absences. The leave approving official may grant administrative leave for unavoidable tardiness and brief absences from duty of up to 1 hour. If these events become too frequent, the supervisor shall inform the employee and advise him or her in writing the official will record future absences as AWOL unless the employee requests and the official approves annual leave or LWOP. Instances of AWOL may serve as the basis for appropriate disciplinary action. The supervisor should consider and record each period of absence separately.
3. Attending Conventions, Conferences, or Meetings.
  - a. Absence from duty to attend conventions, conferences, or meetings related to the NAF activity's work, including travel time, is considered duty status and does not require excused absence.
  - b. If the convention, conference, or meeting is not directly related to the NAF activity work but attendance will improve the employee's work, authorized officials have the administrative discretion to grant excused absence or charge it to annual leave.
  - c. Supervisors shall charge approved absences unrelated to an employee's NAF employment to annual leave or LWOP.

- d. Supervisors must establish the duty or leave status of an employee attending a meeting, conference, or convention in advance.
- 4. Absence Due to Preventive Medical Programs. When the Coast Guard offers employees either health education or specific disease screening examinations and immunizations as part of a preventive medical program, supervisors will grant participating employees excused absence for the length of time required.
- 5. Absence Due to Employee Assistance Program (EAP). Supervisors will grant an employee counseled by a Coast Guard Employee Assistance Counselor excused absence for a reasonable time for such counseling. However, if an employee requests approved absence for scheduled treatment at a counseling or rehabilitation center outside the Coast Guard, the supervisor must record the absence as sick leave, annual leave, LWOP, or compensatory time off, as appropriate.
- 6. Blood Donations. Supervisors may grant employees up to 4 hours of excused absence for travel, clinical time, and recovery time for each voluntary blood donation. However, employees who sell their blood are not authorized excused absence, and supervisors must charge all time off from work to annual leave, LWOP, or compensatory time off, as appropriate.
- 7. Absence for Voting and Registration. Employees are encouraged to vote in all elections if absence from duty does not interfere seriously with operations. Supervisors shall excuse employees who want to vote or register in any election or referendum on a civic matter in their community for a reasonable time for that purpose, according to these guidelines:
  - a. Voting.
    - (1) Generally, if the polls are not open for 3 hours before or after working hours, a supervisor may grant an employee an amount of excused absence that will permit him or her to report to work 3 hours after the polls open or leave 3 hours before the polls close, whichever requires the less time off.
    - (2) In exceptional circumstances, if the general rule does not permit enough time, a supervisor may excuse an employee for any additional time up to 1 day needed for him or her to vote depending the particular circumstances.
    - (3) If an employee's voting place is beyond normal commuting distance and the voting jurisdiction does not permit absentee voting, a supervisor may grant an employee sufficient time off to travel to the voting place. Charge time off longer than 1 day to annual leave or LWOP.
  - b. Registration. A supervisor may not excuse an absence if a voting jurisdiction permits registration during non-working hours and the registration place is within a reasonable 1 day round-trip travel distance of an employee's residence. If the

voting jurisdiction does not permit non-workday registration, a supervisor may excuse an absence on the same basis as for voting.

8. Emergencies.

a. Hazardous Weather.

- (1) When hazardous weather conditions, such as heavy snow, icing, or hurricane, cause Federal installations to close for 1 or more whole days, all employees of offices affected by the closing, including those who otherwise would have reported back to work after a period of approved leave, are excused from work without charge to leave **except** those determined in advance to perform critical or essential functions. Employees required to remain on duty until normal closure time for ease of shutdown or other managerial considerations are not entitled to any additional compensation in the form of overtime or compensatory time solely because they were required to remain at the work site when others were dismissed early.
- (2) When hazardous weather causes Federal offices and installations to open late, all employees of the affected offices who report for duty at the delayed opening time are excused for the period while closed. In addition, leave approving officials have the discretion to excuse tardiness beyond the designated opening time if the employees had tried reasonably diligently to get to work on time. Leave approving officials may place employees who do not report for duty at all on AWOL or grant them leave, as appropriate, for the entire workday.
- (3) When hazardous weather causes Federal offices and installations to close early, leave approving officials will excuse employees in a duty status at the time of closing for the period closed. Leave approving officials shall approve and grant leave to employees on duty when an early closing is formally announced but who leave before the announced closing time or charge them as AWOL for the period of absence between their departure and the announced closing time. Leave approving officials will not grant an excused absence to employees who do not report for duty at all or leave before an early closure is formally announced, but will place them on AWOL or grant them leave, as appropriate, for the entire period of their absence.

b. Other Emergencies.

- (1) Dismissals due to unusual employment or working conditions created by a temporary disruption of air cooling or heating systems should be rare. Employees are expected to work if working conditions are reasonably adequate, even though they may be abnormal and involve minor discomforts. Before leave approving officials excuse absence, reasonable standards of judgment must clearly establish the conditions prevent work. In so judging, consider such factors as the physical requirements of the positions involved, the work areas'

temperatures, and the possibility of temporarily relocating employees to unaffected work areas. Leave approving officials may grant annual or sick leave to individual employees so affected by unusual temperatures they are incapacitated for duty or would impair their health by continuing on duty.

- (2) Leave approving officials may excuse employees from duty if an office is closed on regular workdays because of emergency conditions, including flood, earthquake, air pollution, massive power failure, extreme cold, major fires, public health or safety emergencies, or widespread interruptions to public transportation caused by incidents such as local transit employees' strikes or mass demonstrations.
9. Absence for an Employee Organization. Leave approving officials may excuse, ordinarily for up to 8 hours a leave year, an employee serving as an employee organization's representative to receive information, a briefing, or orientation on matters of mutual concern to management and the employee organization.
10. Medical Absence. Leave approving officials may excuse employees without charging them leave to undergo required medical examinations or treatments resulting from an on-the-job injury. For an on-the-job injury, the maximum excused absence on the day of injury is 8 hours. For example: an employee is scheduled 7:30 a.m. to 4:00 p.m. and at 1:00 p.m. injured on the job, requiring medical treatment. The remainder of the shift, 3 hours, is an excused absence.
11. Group Absence. Charge group absences to attend parties, picnics, etc., that are not official functions or during which employees do not participate in their official capacity to annual leave.

## CHAPTER 8. PERFORMANCE EVALUATIONS AND RATINGS

- A. Applicability. This Chapter applies to all Nonappropriated Fund (NAF) employees serving under full-time, part-time, regularly scheduled intermittent, temporary for more than 90 days, and probationary categories.
- B. Purpose. This Chapter establishes a system to continually evaluate the quality of employee performance against realistic performance requirements so supervisors can advise employees about these requirements, evaluate performance, recognize exceptional performance, and take action to improve performance.
- C. Coverage. The Coast Guard NAF has two performance evaluation systems: For pay band levels 1 through 6 and all crafts and trades positions, use the Coast Guard Excellence, Achievement and Recognition System (EARS), Form CG-3430.8 (Rev 04-99); and for Intermittent (When Actually Employed (WAE)) employees, the Intermittent (WAE) Employee Performance Evaluation form, Exhibit 8-1.
- D. Definitions (General).
1. Acceptable Level of Competence. Performance rated meets or exceeds for crafts and trades employees accordingly warrants a within-grade increase, assuming the employee has met all eligibility requirements.
  2. Appraisal Period. Also called the appraisal or rating cycle, this is the portion of the year, at least 90 calendar days, on which an employee's performance is reviewed and a rating of record prepared. This period is from 1 April to 31 March of the next year.
  3. Approving Official. The official, generally the employee's second-level supervisor, who approves the rating of record.
  4. Core Competencies (CC's) (Pay Band Levels 1 through 6 and all crafts and trades positions). Organizational values that apply broadly to all or many jobs. Using core competencies helps link individual performance with organizational goals in such areas as timeliness, quality, customer service, and leadership. Each CC has a generic standard that provides examples of performance at the "Meets" level.
  5. Employee Performance Folder (EPF). A folder, separately maintained within the Official Personnel Folder (OPF), containing the employee's last three ratings of record during the last 4 years.
  6. Interim Rating. A written evaluation of an employee's performance the rating official prepares whenever an employee (1) completes a detail or temporary promotion of 90 or more days on an approved performance plan; (2) after being on an approved performance plan for at least 90 days, moves to a new position inside or outside the Coast Guard; or (3) has been on an approved performance plan for at least 90 days under the supervision of a rating official who has supervised the employee for at least

90 days, then leaves his or her position.

7. Intermittent (WAE) Employee Performance Evaluation. A standard evaluation used to evaluate all intermittent WAE employees (see Exhibit 8-1).
8. Level of Performance.
  - a. The rating for Pay Bands 1 through 6 and all Craft and Trades: Exceeds, Meets, or Fails to Meet the performance standard received for performing any assigned core competency.
  - b. The rating for Intermittent (WAE) Employees: Met acceptable level of performance or Did not meet acceptable level of performance (see page 8-12, paragraph N).
9. Performance Percentage Increase. A salary increase given only to pay band employees whose performance evaluation is Meets or better.
10. Performance Cash Award. A one-time cash award based on performance during the rating cycle. A supervisor can grant a cash award alone or in addition to a percentage performance award. Use Exhibit 8-2 (Award Recommendation Transmittal) for recommending, approving, and processing cash awards.
11. Performance Standard. For all pay band level and crafts and trades a statement of the performance requirements at the “Meets” level. This system uses “generic” performance standards.
12. Performance Improvement Plan (PIP). A written plan detailing specifically what deficiencies exist based on critical elements and performance standards and what corrective action the employee and management will take to correct those deficiencies (see Exhibit 8-3).
13. Progress Review. Formal, documented discussions between employee and supervisor about the employee’s performance during the appraisal period excluding any initial discussion at or near the start of the review period to establish the performance plan or at the end, during the presentation of the rating of record.
14. Rating Official. Normally, the employee’s first-level supervisor who proposes the employee’s final rating of record.
15. Rating of Record. The annual rating required at the end of the evaluation period (31 March) unless a more current rating is completed to support an increase determination or a performance based action; if so, the more current rating becomes the rating of record. Summarized by a single level of performance, the rating of record is the official rating for pay, performance awards and retention purposes.

16. Summary Rating. A single performance level assigned when summarizing the employee's overall performance.
  17. Supervisor of Record. The supervisor of the employee's official position of record, versus any position to which the employee is detailed or temporarily assigned.
  18. Work Plan. An optional plan, covering all or part of the evaluation period, and including task and other work statements.
- E. Responsibilities. Performance management requires joint planning and communication between rating officials and their employees. These persons have these responsibilities:
1. As appropriate employees shall:
    - a. Jointly with their supervisors review the position descriptions, standard position guides, and task statements to ensure they accurately describe major duties;
    - b. Jointly with their supervisors develop and discuss their performance plan;
    - c. Discuss and help document performance during progress reviews. When the evaluation period expires, the employee has the option to prepare a statement of accomplishments.
  2. A rating official (immediate supervisor) shall:
    - a. Jointly with their employees review the position descriptions and standard position guides to ensure they accurately describe major duties and responsibilities.
    - b. Jointly with their employees develop and discuss employees' performance plan. The plan's final specifications remain a supervisory right and responsibility.
    - c. Jointly with approving officials develop performance plans to ensure performance expectations are consistent with organizational objectives and will promote equitable treatment of all employees.
    - d. During the full-year appraisal period (1 April to 31 March) employees along with the rating official, shall conduct at least two documented progress reviews at regularly spaced intervals during the rating cycle.
    - e. In arriving at the rating of record consider any interim ratings for an employee.
    - f. Propose the final rating of record.
    - g. Recommend performance awards as appropriate.



- h. If other rating officials supervised the employee longer than the minimum required 90 days, consider their evaluations in arriving at the overall annual rating.
  - i. If leaving the position before 31 March, submit an interim rating for all employees supervised 90 days or more to assist the incoming rating official whom later will prepare the rating of record.
  - j. Discuss evaluations with approving officials and resolve differences before discussing with employees.
  - k. Discuss the rating of record with the employee and give him or her a copy.
  - l. In consultation with the personnel staff at Commandant (G-WPX), take appropriate action if an employee's performance falls below the "Meet" level.
3. Approving officials, normally second-level supervisors, shall:
- a. Administer their respective organizations' evaluation system, ensuring promptness throughout;
  - b. At the beginning of each evaluation cycle, review and approve the performance plan their subordinate rating officials prepare for consistency, fairness, objectivity, completeness, etc., making sure plans reflect the larger organization's overall needs or goals;
  - c. Review and approve significant changes to the performance plan during the rating period;
  - d. Approve ratings of record; and
  - e. Assess subordinate rating officials' performance in executing this Chapter's provisions.
4. Commandant (G-WPX) personnel staff shall:
- a. Advise and assist supervisors and managers on the performance evaluation process and issue any required implementing directives;
  - b. Ensure all affected personnel are aware of deadlines, time frames, and schedules; annually send reminder notices to all supervisors at least 30 days before the rating due date; and, follow-up on performance evaluations until all are received;
  - c. Keep adequate records to respond to report requirements and requests; and,

- d. Process pay increases and awards, and complete, process, and file related forms and records quickly and correctly.
- 5. Commandant (G-WPC) develops Coast Guard performance evaluation and pay policies, programs, and procedures. Commandant (G-WPX) has operational responsibility for program implementation.

F. Performance Evaluation Process For Pay Band and Crafts and Trades Employees.

- 1. At the beginning of each evaluation cycle, a supervisor shall develop a written performance plan for each employee. Base the plan on organizational objectives and the position's requirements and identify applicable job elements as documented on the evaluation form. Optionally, the plan may include a work plan that clarifies standards and/or specifies matters such as associated tasks, timetables, and resources.
  - a. Both employee and supervisor should review the standard position guide and task statement to ensure accuracy and completeness.
  - b. While a supervisor approves a performance plan, the employees and supervisor should jointly develop and update the plan.
  - c. Before the plan becomes final, the approving official shall review and approve it for consistency with plans established for similar positions and conformity with organizational goals. The approving official has final authority over the plan's content.
  - d. The rating and approving officials sign and date the plan to indicate approval. The employee signs and dates the plan to indicate receiving it.
  - e. The rating official and employee normally develop the employee's performance plan by 1 April annually. If the employee is reassigned, promoted, demoted, etc., to a new position during the evaluation period, the rating official and employee shall develop a new performance plan within 30 days.
  - f. A supervisor can significantly change a performance plan at any time up to 90 days before the rating cycle ends. The rating official must appropriately annotate such changes. The approving official must approve them. The employee must receive a copy and should initial the revised plan to indicate its receipt.

2. Core Competencies (CC's).

- a. Additions to the nine CC's listed below are not permitted. Within the performance plan the supervisor must specify (such as checkmark) at least four applicable CC's, including any that are Mandatory. When considering overall performance, the supervisor weighs each CC equally. If an employee "Fails to Meet" the performance standard for any single CC, his or her overall rating is "Fails to Meet."

The nine CC's are:

- (1) Applied Job Knowledge and Skills (Mandatory for all employees)
- (2) Supervisory Leadership (Mandatory for supervisors)
- (3) Teamwork
- (4) Customer Service
- (5) Communication
- (6) Quality of Work
- (7) Timeliness and Quantity of Work
- (8) Safety
- (9) Funds Management

3. Progress Reviews.

- a. During the full-year appraisal period (1 April to 31 March) the rating official and employee shall conduct at least two documented progress reviews to discuss performance to date and whether to change the performance plan. Progress reviews should normally be made at regularly spaced intervals. Neither the initial discussion to establish a performance plan nor the presentation of the approved rating is a progress review. If the appraisal is for the minimum 90-day period only, no progress review is required. If the appraisal period lasts between 91 and 180 days, only one documented review is required. The rating official and employee shall document the progress review by signing and dating the Performance Plan and Evaluation form, Part III, as appropriate. As necessary, they may complete multiple copies of Part III when documenting three or more progress reviews.
- b. Rating officials are strongly encouraged to provide ongoing feedback to employees in addition to the required progress reviews. For example, feedback might be appropriate when an employee completes a short-term assignment or a 60-day detail to another position.

4. The Rating Process. At the end of the appraisal cycle, the rating official assesses the employee's performance compared to each CC the employee has performed for at least 90 days and prepares a recommended rating of record.

- a. Obtaining Employee Input. As the first step in preparing a final rating, the supervisor shall give the employee an opportunity to provide a written statement of accomplishments (Part IV, as appropriate) in fulfilling the plan. The statement may

be made in any appropriate format (e.g., narrative, bullet, or list), may include discussion or elaboration of associated factors, resources available, scheduling, and other matters, and should be limited to the space provided in Part IV.

- b. Rating the Core Competencies. After considering any employee input, the supervisor shall use one of the levels described below to rate the employee's performance for each applicable CC against the appropriate performance standard:
  - (1) "Exceeds" the Performance Standard. Superior performance, accomplished with little supervision that so clearly exceeds the criteria for "Meets" as to be truly noteworthy. Performance at this level adds an unusual degree of value to the organization and significantly contributes to mission accomplishment.
  - (2) "Meets" the Performance Standard. Good, sound performance, accomplished with normal supervision, that is generally consistent with the CC's performance standard. "Meets" encompasses a broad range of performance including at the upper end performance of high organizational value and commendable mission accomplishment.
  - (3) "Fails to Meet" the Performance Standard. The performance fails to meet the performance standard's criteria. Requires unusually close supervision or correcting work substantially.
5. Rating Official. The rating official rates all individual CC's and shall prepare, in the Performance Plan and Evaluation form Part V, as appropriate, a narrative statement describing overall performance. The statement need not discuss all applicable CC's, but should highlight outcomes and results of the employee's performance. It should be limited to the space provided in Part V. Before sending the recommended rating of record to the approving official, the rating official shall propose an overall summary rating based on these criteria:
  - a. "Exceeds" the Performance Standard. No more than one CC is rated as "Meets" and no CC is rated "Fails to Meet." This is superior, truly noteworthy performance, accomplished with little supervision. Performance at this level adds an unusual degree of value to the organization and significantly contributes to mission accomplishment.
  - b. "Meets" the Performance Standard. Two or more CC's are rated "Meets" and none are rated "Fails to Meet." This is good, sound performance, accomplished with normal supervision. "Meets" encompasses the broad range of performance including at the upper end performance of high organizational value and commendable mission accomplishment.
  - c. "Fails to Meet" the Performance Standard. One or more CC is rated "Fails to Meet."

G. Minimum Rating Period and When to Rate.

1. The annual evaluation period is 1 April to 31 March of the each year. The minimum evaluation period is 90 calendar days.
2. Ratings of record are required for all employees who on 31 March have been on an approved performance plan for at least 90 days during the performance cycle.
3. If a new employee has not worked at least 90 days under an approved performance plan on 31 March, the supervisor shall extend the evaluation period by the number of days necessary to meet the 90 day minimum evaluation period, when he or she shall prepare a rating of record.
4. When an employee who has performed on an approved performance plan for at least 90 days is reassigned or promoted to a new position or returns from a detail or temporary assignment of 90 or more days to his or her original position, the losing NAF organization must prepare an interim rating. The gaining NAF organization should consider such interim ratings when developing the next rating of record.
5. When vacating his or her position, the rating official shall prepare an interim rating for any employee supervised for 90 or more days on an approved performance plan during the evaluation period.
6. If two or more supervisors have rated an employee during the evaluation period, the supervisor of record at the end of that period, no matter how long assigned as supervisor, shall provide a single, integrated rating of record for the employee, incorporating previous interim ratings. If the employee has no supervisor of record, the second-level supervisor prepares the rating of record.

H. Resolving Disagreements Over the Rating. When possible, the employee and rating official should informally resolve any disagreements about the rating of record. If they cannot, this applies:

1. The employee has a right to file a grievance in accordance with Employee Grievances, Chapter 10 of this Manual.
2. Bargaining unit employees covered by a negotiated agreement, which includes a grievance procedure applicable to complaints over performance ratings, must use that procedure.
3. The employee should be prepared to provide material related to his or her own work product demonstrating his or her performance warrants a higher rating.

I. Linkage with Other Personnel Decisions or Actions. Performance ratings play an important part in major personnel decisions. The rating of record is the basis for adjusting base pay and deciding performance awards. To adjust base pay, see Salary and Wages, Chapter 4 of

this Manual; to make performance awards, see, Incentive Awards, Chapter 11 of this Manual. Performance ratings also affect these personnel actions:

1. Probationary Periods. Employees new to NAF service undergo a probationary period. An employee's performance is one factor management considers when deciding whether to retain or separate the employee before the end of the probation. A rating of record is not required when making such decisions.
2. Promotion. The performance appraisal may serve as one factor when considering employees under competitive promotion procedures. Past performance indicates future performance only to the extent the applicant's performance objectives and standards and the duties and tasks upon which they are based apply to the position being filled.
3. Training. Appraisals may identify persons whose further training may benefit the Coast Guard. Especially high performance may enable an individual to use further training to maximum effect. Conversely, observed performance not meeting standards may necessitate additional guidance, counseling, and appropriate training to improve knowledge, skills, and abilities.
4. Reduction in Force (RIF). Performance ratings of record are used in a RIF in accordance with Reduction In Force (RIF), Chapter 12 of this Manual.
5. Removing, Reassigning or Reducing in Grade. These regulations prescribe procedures for taking personnel actions as a result of unsatisfactory performance, and equivalent ratings of "Fails to Meet". This can occur at any time during the appraisal period. Management may reassign, reduce in grade, or remove an employee, but only after giving the employee a reasonable opportunity to demonstrate acceptable performance during a Performance Improvement Plan (PIP). If after the PIP the employee's performance has not improved, management must reassign, reduce in grade, or remove the employee. In determining what action should be taken, management should review the employee's previous performance. If the employee is failing in his or her present position, but had previously performed in a satisfactory manner in another position, management may wish to reassign or demote if a vacant position is available. Management should consult with the personnel office for advice on the action to be taken.
6. When an Employee Resumes Problem Performance. Some employees, realizing the urgency of the situation and knowing if they do not perform well might lose their jobs, perform well during a PIP, but after management so informs them, lapse again into a period of unsatisfactory performance. An employee need be placed on only one PIP within a calendar year. Thus, if an employee on a 30-day PIP performs well but 2 months later performs unacceptably, the supervisor may subject that employee to an adverse action without putting him or her on a new PIP. The new instance of unacceptable performance after completing a PIP successfully must occur within 1 year of the time the employee first was placed on the PIP (see Exhibit 8-3).

7. Performance Improvement Plan (PIP) Retention. Put performance ratings of record and supporting documentation, such as a PIP, on the left side of the Official Personnel Folder; destroy these records 3 years after the evaluation date.

J. Performance Related Compensation.

1. Percentage to Base Pay Increase. A percentage increase changes base pay and therefore has cumulative benefits, thus making a percentage increase a significant form of recognition. Percentage increases apply only to pay band employees.
2. Performance Cash Awards. To motivate, recognize, and reward employees who attain high performance, the Coast Guard grants performance cash awards as one-time cash payments outside basic pay in addition to Special Achievement or Act awards.
3. Performance Award Requirements. An employee occupying a position on the last day of the evaluation period for which performance awards are being paid (31 March) is eligible for a performance award.
4. Award Recommendation. The immediate supervisor recommends all performance cash awards by completing this form (Exhibit 8-2) and sending it through the appropriate CGES or MWR chain of command for final approval. The EARS nomination form is not to be used.
5. Nominating MWR Employees. Supervisors shall nominate MWR employees for performance awards by sending the award recommendation, a copy of performance evaluation, and recommended award amounts through the chain of command to the commanding officer for approval.
6. Nominating CGES Employees. Supervisors shall nominate CGES employees for performance awards by sending the Award Recommendation, copy of performance evaluation, and recommended award amounts to the region manager. The region manager will submit a summary of award nominations to Commandant (G-WPX) for approval.
7. Approval. The unit commanding officer reviews and approves MWR nominations for performance awards. Commandant (G-WPX) performs the same functions for CGES nominations.
  - a. Supervisors may not nominate employees with a lower rating for a higher amount than coworkers with a higher performance rating who are in the same pay band or grade.
  - b. Commandant (G-WPX) will publish the method to determine funds available for performance percentage increases and cash awards for CGES employees.

- c. Commanding Officers for MWR will determine awards based upon financial conditions for MWR and CDC employees.
- 8. Performance Cash Award. The commanding officer for MWR and Commandant (G-WPX) have the discretion to grant performance cash awards for CGES and MWR employees, respectively, and decide award amounts. Pay band level and grade do not have to relate to the amount of the performance cash award.

K. Within-Grade Increase (WGI) Crafts and Trades Only.

- 1. Relationship to Performance. Each WGI must be based on a current rating of record. Individuals without a current rating of record shall be treated in accordance with paragraph 2 below.
- 2. Eligibility. A crafts and trades employee paid below the top step of his or her grade shall earn advancement in pay to that grade's next higher step on meeting these three requirements established by law:
  - a. The employee must perform at an acceptable level of competence; his or her most recent rating of record must be "Meets".
    - (1) If the decision to grant or deny a WGI is inconsistent with the employee's most recent rating of record, the rating official must prepare a new rating of record.
    - (2) The rating of record used to determine acceptable level of competence for a WGI must not have been assigned before the most recently completed appraisal period.
  - b. The employee must have completed the required waiting period for advancement to the next higher step of his or her grade.
  - c. The employee must not have received an equivalent increase during the waiting period.
  - d. If the rating and approving officials decide a crafts and trades employee's work is not acceptable, the supervisor shall counsel and notify the employee in writing as soon as possible including in the notice:
    - (1) The basis for the negative determination and the specific performance improvements required for the employee to earn a WGI; and
    - (2) A statement that employees may file a grievance over the negative determination. Bargaining unit employees covered by a negotiated agreement which includes a grievance procedure applicable to complaints over WGI denials must use that procedure. Others may use the administrative grievance procedures.



- L. Records Maintenance. The employee performance folder maintained by the personnel office contains only the three most recent ratings of record. Performance records superseded through an administrative or judicial procedure are to be destroyed.
- M. Disposing of Records. When sending an employee's Official Personnel Folder (OPF) to another Coast Guard NAF, another agency, or the National Archives and Records Administration, the "losing" servicing personnel office includes employee performance ratings of record 3 or fewer years old with the OPF.
- N. Intermittent (WAE) Employee Performance Evaluation.
1. Rating. All intermittent employees must be appraised by the use of Exhibit 8-1 and will be given one of the two following performance ratings at least annually:
    - a. Met acceptable level of performance.
    - b. Did not meet acceptable level of performance.
  2. Rating Justification. Supervisors must make a brief statement justifying performance cash awards or percentage increases. A statement is not required if an employee is not receiving a performance cash award or percentage increase.

(SSIC)  
(DATE)

From: Approving Official (Name and Title)

To: Employee's Name and Title

Subj: NOTICE OF REMOVAL

Ref: (a) Notice of Unsatisfactory Work Performance

1. This is a removal notice issued in accordance with Commandant Instruction M12271.1A. You will be removed from duty and pay at the close of business on the date you receive this letter for these specific reasons:
  - a. Reference (a) advised you your performance was unacceptable for the core competency (ies) [list]. The Notice advised you must receive a performance rating of "meets" or you would be reassigned, demoted, or removed from employment. You were given a reasonable opportunity and assistance to help you improve
  - b. Your performance has failed to meet the "meets" performance rating for this core competency because [give specific instances of unsatisfactory performance on this core competency].
  - c. [Repeat any other core competencies the employee has failed to meet, how the employee failed to meet the "meets" rating successful standard, etc.]
2. The described instance(s) of unacceptable performance are fully established and supported. It is my decision to remove you from employment effective [Date].
3. Enclosure (1) is a copy of the NAF unit's grievance procedure. You have the right to choose a representative; to respond to the reasons above verbally or in writing or both; and furnish affidavits and evidence to support your response.
4. Address your response to [indicate first appeal level within 7 calendar days from the date you receive this letter. [Supervisor's or Manager's Name and Title] will consider extending this deadline if you submit a written request stating your reasons for desiring more time.

---

Official's Signature

Encl: (1) Unit Grievance Procedure

AWARD RECOMMENDATION TRANSMITTAL			
1. AWARD RECOMMENDED		2. DATE	
3. EMPLOYEE RECOMMENDED (Last, First, MI, SSN)		4. PRESENT POSITION, TITLE, GRADE, STEP, AND SALARY	
5. PREVIOUS RECOGNITION AND DATES		6. POSITION, TITLE, GRADE, STEP, AND SALARY DURING PERIOD OF CONTRIBUTION (if other than Item 4)	
		7. RECOMMENDING OFFICIAL (Name, Organization, Phone number, Signature and Title)	
ACTION (Initial Applicable Block)	AMOUNT	DATE	AUTHORIZING OFFICIAL (Signature and Title)
RECOMMEND			
APPROVED			
DISAPPROVED			
RECOMMEND			
APPROVED			
DISAPPROVED			
1. SEND COPY TO PAYROLL FOR PROCESSING 2. PUT ORIGINAL IN EMPLOYEE'S OPF			

INTERMITTENT (WAE) EMPLOYEE PERFORMANCE EVALUATION				
NAME (LAST, FIRST, MI OF RATED EMPLOYEE)			SSN	
POSITION TITLE AND GRADE OR PAY BAND				
DUTY LOCATION OR APPROPRIATION CODE			RATING PERIOD	
			FROM	TO
RATING		MET ACCEPTABLE LEVEL OF PERFORMANCE		DID NOT MEET ACCEPTABLE LEVEL OF PERFORMANCE.
RATING JUSTIFICATION (SUPERVISOR MUST BRIEFLY EXPLAIN OR JUSTIFY PERFORMANCE CASH AWARD, PERCENTAGE INCREASE).				
DATE EVALUATED	PRINT/TYPE RATER'S NAME	SIGNATURE		DUTY PHONE
EMPLOYEE'S SIGNATURE				DATE
NOTE: EMPLOYEE'S SIGNATURE DOES NOT CONSTITUTE AGREEMENT WITH SUPERVISOR'S RATING. IF EMPLOYEE REFUSES TO SIGN EVALUATION THE SUPERVISOR WILL SO STATE IN THE EMPLOYEE SIGNATURE BLOCK.				

(SSIC)  
(DATE)

From: Supervisor's or Manager's Name and Title

To: Employee's Name and Title

Subj: PERFORMANCE IMPROVEMENT PLAN (PIP)

1. I have determined a Performance Improvement Plan (PIP) is necessary to inform you what performance requirements you have failed to meet, what you must do to bring your performance to a "meets" level, and what efforts I will make to help you improve.
2. The tasks, duties, and responsibilities in which your performance is unacceptable are [List below the unacceptable tasks and duties, e.g.:
  - a. Identify the core competencies the employee performs deficiently and minimum performance standards the employee must meet.
  - b. List evidence documentation if appropriate.
  - c. Performance deficiency.
  - d. Performance deficiency.
3. To achieve a "meets" rating on these tasks and performance elements, below are the corrective actions needed and the support management will provide to help you correct the deficiency.
  - a. List corrective actions required to improve.
  - b. Publish a schedule of periodic reviews with the employee during the performance period.
  - c. Advise the employee of any assistance available, such as reference manuals and guides.
  - d. Advise of any formal or informal training offered.
  - e. Offer a referral to the EAP if appropriate.
4. The opportunity period will begin with your receiving this notice. You will have at least 30 calendar days, until [insert date], to improve to the "meets" performance standard in all core competencies listed above.

5. At the end of the opportunity period, your performance will again be evaluated. If your performance does not improve to the minimum performance standard level on all core competencies, you may be reassigned, demoted, or removed from employment concurrently when the opportunity period expires on [insert date].
6. A copy of the performance improvement plan will be placed in your Official Personnel Folder for at least 1 year and up to 2 years from the issuance date, until you reach the “meets” performance level, or on separation or transfer, whichever occurs first.
7. You are asked to acknowledge receiving this letter by signing and dating the record copy where indicated.

\_\_\_\_\_  
SUPERVISOR’S NAME AND SIGNATURE

\_\_\_\_\_  
EMPLOYEE’S NAME AND SIGNATURE  
(file copy only)

\_\_\_\_\_  
(Date)

Encl: (1) [List supporting documents]

## CHAPTER 9. DISCIPLINARY AND ADVERSE ACTIONS

A. General Policy. The primary objective of discipline is to correct an employee's conduct and in some cases performance, while maintaining all employees' high productivity, discipline, and morale. Accordingly, the Coast Guard Exchange System (CGES) and Morale, Well-Being, and Recreation (MWR) Program impose the minimum remedy that reasonably can be expected to meet these objectives. Only if previous disciplinary action has failed to correct an offender or an employee has committed a particularly serious first offense may a supervisor initiate removal. Supervisors will act without regard to race, religion, sex, sexual orientation, color, national origin, age, political affiliation, physical or mental disability, or marital status.

B. Coverage.

1. Covered Actions. Letters of reprimand, suspensions, reductions in grade or pay band level, and removals based on unacceptable conduct and/or in some instances of performance deficiencies if caused more by misconduct than from a lack of skill or ability. For example, if a motor vehicle operator has a job requiring certification (a driver's license), he or she cannot operate a Government vehicle without a license, which is a performance requirement.
2. Excluded Actions.
  - a. An action against an employee serving in a temporary or intermittent appointment.
  - b. An action taken because a temporary position terminates.
  - c. Removal of a probationary employee.
  - d. A reduction in grade or pay band level or removal based solely on unacceptable performance. Refer to Performance Evaluations and Ratings, Chapter 8 of this Manual, for performance based actions.
3. Covered Employees.
  - a. Permanent full-time and part-time employees.
  - b. Seasonal full-time and part-time employees.
4. Excluded Employees.
  - a. Appropriated fund employees.
  - b. Intermittent employees.

c. Probationary employees.

d. Temporary employees.

C. Definitions.

1. Active Duty Status. Any pay status, including authorized overtime, holiday pay, and other forms of premium pay.
2. Bargaining Unit Employee. An employee included in an appropriate bargaining unit for which a labor organization has been granted exclusive recognition.
3. Day. Calendar day.
4. Disciplinary Action. A letter of reprimand; suspension; reduction in grade or pay band level; and removal.
5. Fact-finder. An individual appointed by the initiating official to conduct an investigation into an issue(s) relating to the misconduct of the employee. The fact-finder must be a person who has not been involved in the matter and who does not occupy a position directly subordinate or accountable to any official who recommended, advised, made a decision on, or who otherwise is or was involved in the matter.
6. Official. An individual delegated authority to take an action under this Chapter.
7. Official Case File. A separate file from the employee's Official Personnel File (OPF) containing all disciplinary action documents.
8. Preponderance of the Evidence. That degree of relevant evidence a reasonable person, considering the record as a whole, would accept as sufficient to support a conclusion the matter asserted more likely is true than not true. Grievable adverse actions must be supported by the preponderance of the evidence.
9. Servicing NAF Personnel Office. Nonappropriated Fund Activities with a personnel staff. For others, Commandant (G-WPX) as specified in this Chapter.

D. Staff Support. Commandant (G-WPC) develops policy on disciplinary actions. Managers initiating disciplinary actions and separations should contact their NAF personnel office to ensure contemplated actions conform to this Manual's policies and procedures. If further assistance is required the personnel liaison should contact Commandant (G-WPX). The personnel staff will assist by reviewing letters proposing and effecting such actions to ensure they inform the employee of rights of representation, reply, and review of material on which the action is based and explain grievance procedures.



- E. Relationship to the Employee Assistance Program. The Employee Assistance Program (EAP) supplements but does not replace discipline as a tool for dealing with a problem employee. Discipline seeks to correct the offender's conduct and maintain other employees' discipline and morale. The Employee Assistance Program seeks to correct unsatisfactory performance or conduct before disciplinary action becomes necessary. There is a distinction between offering a problem employee assistance through counseling and taking disciplinary action. In some instances, it will be appropriate and necessary for a supervisor to take both actions if an employee has committed an offense that arose from a personal problem. Refer questions on the relationship between EAP and effective discipline to Commandant (G-WPX).
- F. Relationship to Equal Employment Opportunity Complaints. A supervisor who discovers an employee alleged in writing he or she suffered discrimination based on race, color, sex, sexual orientation, religion, physical or mental disability, age, or national origin should consult the local Civil Rights Officer, if necessary by telephone to minimize delays, before issuing a final decision on a removal action; see Equal Employment Opportunity EEO, Chapter 17 of this Manual. This consultation, however, will not serve to delay management's decision on the action. When deciding the proposed action, the deciding official shall consider any information about discrimination allegations submitted in the employee's or employee's representative's reply. These allegations will be included in the case file. Employees cannot file both a grievance and an EEO complaint.
- G. Preliminary Investigations.
1. Purpose. The preliminary investigation of relevant facts may provide the necessary information to proceed with a specific disciplinary action or eliminate the need for any action.
  2. Gathering Information.
    - a. The supervisor or appointed fact-finder shall assemble any and all information available that would clarify the issues, including documents such as leave records, time cards, office records, disciplinary records, and other pertinent evidence.
    - b. The supervisor or fact-finder may interview previous supervisors, physicians, counselors, and witnesses and ask an employee to submit relevant evidence, such as medical documents, repair bills, bills for professional services, etc., subject to supervisor verification. Supervisors or fact-finders will obtain written statements as necessary and, in serious incidents of misconduct or performance deficiencies, affidavits.
  3. Fact-finding Discussions. Before taking a disciplinary action, the supervisor or fact-finder should hold documented fact-finding discussions with the employee, if available, to determine his or her side of the story. Supervisors or fact-finders can use the Discussion Documentation Sheet (Exhibit 9-1) to assist in acquiring relevant information during these discussions. Supervisors or fact-finders should not inform the employee of

the particular disciplinary action contemplated until they have gathered all the facts and deciding officials have thoroughly considered them.

4. Employee's Right to Union Representation.

- a. Before and during fact-finding discussions, the employee, if a bargaining unit member, may qualify for union representation if he or she so requests it from the exclusively recognized union. The employee must request a union, not a personal, representative.
- b. The meeting purpose is for management to interview the bargaining unit employee in connection with an investigation.
- c. The bargaining unit employee reasonably believes disciplinary action may result from the meeting.
- d. Before interviewing a bargaining unit employee, the supervisor or fact-finder must notify the union of the meeting; its time, place, and date, and the employee has requested union representation.
- e. If an employee requests union representation in the middle of a fact-finding discussion, the supervisor or fact-finder will stop the meeting and provide the exclusive union with an opportunity to be present.
- f. If an employee requests union representation while a supervisor is explaining acceptable standards of conduct or performance to correct minor conduct or performance problems, but the supervisor does not believe disciplinary action will result, the employee is not entitled to union representation. When in doubt discuss any questionable circumstances with Commandant (G-WPX).

- H. Determining Appropriate Action. After completing the preliminary investigation, the supervisor must determine any appropriate corrective action. If the misconduct warrants corrective action, the supervisor should refer to the Schedule of Offenses and Remedies (Exhibit 9-2) which specifies the general range of remedies for specific offenses. The most appropriate remedy is the least serious action that will correct the problem. Also in selecting the remedy, the supervisor should consider any existing relevant factors (see Paragraph Q. of this Chapter). The supervisor should include in the official case file any relevant factors considered. Relevant factors are not required for letters of reprimand.
- I. Disciplinary Actions. Disciplinary actions include letters of reprimand, suspensions, grade or pay band level reductions, and removals. Although these actions usually are progressive, a first incident of misconduct or performance deficiency may be so serious it warrants severe action, including removal from employment. Disciplinary actions become a matter of record in an employee's OPF. The preponderance of the evidence must support disciplinary actions.

1. Letter of Reprimand. Before issuing a letter of reprimand, the least severe disciplinary action, the supervisor will conduct a preliminary investigation and determine appropriate action. The Letter of Reprimand, shown in Exhibit 9-3, requires this information:
  - a. The specific charge(s) of misconduct or performance deficiencies. An example of a charge is “using obscene language to another employee”.
  - b. A warning that future instances of misconduct or performance deficiencies may lead to more severe disciplinary action, up to and including removal from employment.
  - c. Notice that the reprimand will be filed on the temporary side of the employee’s OPF for at least 1 year up to 2 years.
  - d. Notice that the employee has a right to file a grievance under either administrative or negotiated grievance procedures, including the time for filing (deadlines may differ between negotiated and/or administrative procedures, as appropriate).
2. Suspension.
  - a. A supervisor may suspend an employee if a previous action failed to correct a minor incident(s) of misconduct or for a first serious offense. The employee is removed from work status for a specified period of time to impose a financial penalty and give an employee forced time off to think about the misconduct and the importance of keeping his or her job. An employee must be given 7 calendar days advance written notice of the suspension.
  - b. A notice of suspension requires a Notification of Personnel Action, Standard Form 50 (SF-50), which becomes a permanent part of the employee’s Official Personnel File (OPF); Exhibit 9-4 is a sample Notice of Suspension. Before suspending an employee, the supervisor or appropriate designee will conduct a preliminary investigation and determine appropriate action.
  - c. Complete the SF-50 and issue a Notice of Suspension (Exhibit 9-4) with this information:
    - (1) The action is a suspension.
    - (2) The suspension’s inclusive dates and length.
    - (3) The specific charge(s) of employee misconduct.
    - (4) A warning that future instances of misconduct may lead to more severe disciplinary action, up to and including removal from employment.

- (5) The employee's right to review the official case file material that supports the reasons given in the notice, including the name and telephone number of the person to contact to arrange to review the material.
- (6) Notice that the employee has a right to file a grievance under administrative or negotiated grievance procedures, including applicable deadlines, as appropriate.

3. Reduction in Grade or Pay Band Level.

- a. An employee may be reduced in grade or pay band level for a first offense of serious misconduct or performance deficiency or if previous disciplinary action did not correct the situation. Generally, a supervisor takes these actions if he or she expects the employee will be able to perform successfully at the new grade or pay band level. Before reducing an employee's grade or pay band level, the supervisor or appropriate designee will conduct a preliminary investigation and determine appropriate action.
- b. The SF-50, completed as normally required, is the official notice of reduction in grade or pay band level. The supervisor will issue a letter of reduction in grade or pay band level with this information:
  - (1) The action is a reduction in grade or pay band level, as applicable.
  - (2) The effective date of the action.
  - (3) The new job title, series, grade or pay band level, and salary if applicable.
  - (4) Specific charge(s) of employee misconduct or performance deficiencies.
  - (5) A warning that future instances of misconduct or performance deficiencies may lead to more severe disciplinary action, up to and including removal from employment.
  - (6) The employee's right to review the official case file material relied on to support the charge(s), including the name and telephone number of the person to contact to arrange to review the material.
  - (7) Notice the employee has a right to file a grievance under administrative or negotiated grievance procedures, including any applicable deadlines.
- c. Employees will be given 7 calendar days advance notice of these actions.

4. Removals.

- a. In the most severe of disciplinary actions, a supervisor may remove an employee for a first serious offense of misconduct or performance deficiency or if previous disciplinary actions did not correct the situation; Exhibit 9-5 is a sample Notice of

Removal. Before removing an employee, the supervisor or appropriate designee will conduct a preliminary investigation and determine appropriate action.

- b. The SF-50, completed as normally required, is the official notice of removal. The supervisor will issue a Notice of Removal (Exhibit 9-5) with this information:
  - (1) The action is a removal.
  - (2) The action's effective date.
  - (3) Specific charge(s) of employee misconduct or performance deficiencies.
  - (4) The employee's right to review the official case file material relied on to support the charge(s), including the name and telephone number of the person to contact to arrange to review the material.
  - (5) Notice the employee has a right to file a grievance under administrative or negotiated grievance procedures, including any applicable deadlines.
- c. Employees will be given 14 calendar days advance notice of the removal action.
- d. Exceptions to the 14 Calendar Day Advance Notice Requirement. An exception to the requirement for 14 calendar day advance notice of a proposed adverse action, is authorized when:
  - (1) Retention might result in damage to, or loss of, property or funds.
  - (2) Retention might be injurious to the employee, other workers, or the general public.
  - (3) There is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed.
  - (4) Retention might be detrimental to the interests of the Government.
  - (5) The employee committed workplace violence and threatening behavior (see COMDTINST 5370.1A, Workplace Violence and Threatening Behavior).

Advance notice of 24 hours is sufficient in all of the above situations.

J. Official Time.

- 1. An employee who is otherwise in a work status is entitled to a reasonable amount of official time to review the material management relied on to make its decision. The supervisor will determine the amount of official time to grant individually. In so determining, the supervisor or manager should consider the charges' gravity and

complexity, the amount of legal or regulatory research involved, and the employee's knowledge of disciplinary proceedings and research abilities. Supervisors should avoid granting more official time than is absolutely necessary.

2. Grant an employee official time only if he or she so requests. If and when the employee requests official time, the supervisor shall grant it for a specified duration at a time reasonably consistent with the workload and the employee's needs. A supervisor should deny an employee's request for official time only if the request clearly is unreasonable.

K. Rejecting A Representative.

1. Reasons to Reject a Representative. A supervisor can reject an employee's chosen representative under these circumstances:
  - a. Conflict of interest, such as a supervisor or management official serving as a representative.
  - b. Conflict of position, such as a Personnel or Equal Employment Opportunity (EEO) Specialist serving as an employee's representative in a case involving a personnel action or EEO matter the employing personnel or EEO office controls, has participated in, or in any way has been involved.
  - c. A cost to the Government.
  - d. A priority work assignment precluding the representative's release.
  - e. A bargaining agreement governs representation for employees in an exclusive bargaining unit and the unit employee's chosen representative violates the agreement's provisions.
2. Procedures to Reject an Employee's Chosen Representative. The written rejection letter should specify the reasons for the rejection; advise the employee of his or her rights to have the rejection reviewed and, if upheld on review, select another representative; specify the date by when the employee must request the review; and any changes to the applicable deadlines for filing the grievance.

L. Considering a Medical Condition(s).

1. Employee's Responsibility. If the employee wishes the initiating official to consider any medical condition contributing to misconduct, the official shall give the employee a reasonable time to furnish medical documentation. Because the employee bears the burden of proof to demonstrate the medical condition exists, that proof reasonably includes the cost of any necessary medical examination. The supervisor and Coast Guard medical personnel, if available, may assist the employee by identifying in writing the necessary, relevant medical documentation. In most cases, a copy of the employee's physician's or hospital records will contain the necessary information.

2. Management's Responsibility. After the deciding official reviews the medical documentation supplied, he or she may require a medical examination. If an employee submits acceptable medical documentation to support his or her medical condition, management may have an affirmative obligation to reasonably accommodate a qualified disabled employee.
- M. Official Case File. The supervisor, designee, and/or the NAF personnel office shall compile an official case file on the action. The record must contain copies of the written notice of action, any written decision on the grievance, and any supporting material, including relevant factors, used to support the decision. The file may include witnesses' statements, affidavits, documents, previous disciplinary action(s) considered in making the decision, and complete investigative reports or extracts. The NAF personnel office destroys reprimand case files 2 years after the case is closed. Suspension, reduction in grade or pay band level, and removal case files shall be destroyed 4 years after the case is closed. Official case files must be separately maintained from the OPF by the NAF personnel office.
- N. Delivering Disciplinary Action Correspondence. When delivering correspondence on a disciplinary action, the official delivering shall note on the correspondence copy the time, date, and place delivered and any unusual circumstances. An official personally delivering disciplinary action correspondence should obtain a written receipt. If an employee refuses to accept the correspondence or is absent, the official shall mail it by both first class and certified mail, return receipt requested, to the employee's last known home address.
- O. Employee's Voluntary Action. An employee confronted by management with a potential disciplinary situation may volunteer to accept a lower grade or pay band level or reassignment or resign in lieu of a disciplinary action. However, management must not coerce the employee into doing so. Management may inform an employee a removal action is contemplated and if he or she resigns before that action occurs, the OPF will not contain such records. Management may not inform the employee he or she must resign or face a removal action, because doing so is coercion, and must be avoided.
- P. Leave Abuse Problems.
1. General.
    - a. If an employee is absent without permission, that employee must appear as Absent Without Leave (AWOL) on his or her time card. If the employee returns to work his or her supervisor should hold a fact-finding discussion with the employee. An AWOL charge supports attendance abuse charges. A supervisor may determine the loss of pay is sufficient motivation to prevent such absences in the future.
    - b. Because Leave Without Pay (LWOP) is an approved absence, supervisors may not attempt to initiate a disciplinary action for an instance of LWOP.

## 2. Letters of Requirement.

- a. A supervisor may issue a letter of requirement to an employee whose use of leave, including unpaid, for medical reasons is excessive or reflects a questionable pattern (see Exhibit 9-6). In this letter a supervisor may impose requirements on an employee that do not apply to the rest of the workforce. Specifically, the supervisor will require the employee to submit a medical certificate for every absence, no matter how short, due to medical reasons. The letter should perform these functions:
  - (1) Define an acceptable medical certificate, e.g., stating the nature of the illness, dates incapacitated, and date seen by the physician, and containing the physician's signature;
  - (2) Advise the employee of the deadline by which he or she must provide acceptable documentation for each instance of illness; and,
  - (3) Impose specific reporting requirements on the employee, for example, by what time and to whom, including an alternate reporting official.
- b. The letter will advise the employee he or she will appear in an AWOL status until he or she provides acceptable medical documentation. While AWOL in and of itself is not a disciplinary action, it may furnish a basis for disciplinary action. A supervisor may change AWOL to an approved leave category only if the employee submits acceptable documentation within the deadline or the approving authority determines circumstances prevented the employee from doing so. The letter should warn the employee failure to follow the prescribed procedures might result in disciplinary action.
- c. A supervisor also may warn the employee about his or her use of annual leave for unplanned absences due to emergencies in a Letter of Requirement. If the employee's use of unplanned leave becomes excessive or is questionable, the supervisor may require the employee to submit documentation, e.g., repair bills, professional receipts for the emergency for the time and date in question.
- d. The supervisor will review a Letter of Requirement after a reasonable period of time, normally at least 6 months after the date issued. The letter of requirement will remain in effect until such time as the employee has demonstrated appropriate use of leave, the expiration of 1 year, or until replaced by a more serious disciplinary action.

Q. Relevant Factors. Management must demonstrate its remedy is reasonable by showing it considered all these applicable factors. Some may not be relevant; some may or may not weigh in the employee's favor. When applicable, initiating officials must apply these factors in suspending, reducing in grade or pay band level, and removing employees:



1. The nature and seriousness of the offense, how it related to the employee's duties, position, and responsibilities, including whether the offense was intentional, technical, inadvertent or was committed maliciously or for gain, or was repeated frequently.
2. The employee's job level, type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.
3. The employee's past disciplinary record.
4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
5. How the offense affected the employee's ability to perform satisfactorily and the supervisor's confidence in the employee's ability to perform assigned duties.
6. Consistency of the remedy with those imposed on other employees for the same or similar offenses.
7. Consistency of the remedy with any applicable agency table of remedies.
8. The notoriety of the offense or its impact on the agency's reputation.
9. How clearly the employee was on notice of any rules he or she violated in committing the offense or had been warned about the conduct in question.
10. The potential for the employee's rehabilitation.
11. Mitigating circumstances surrounding the offense, such as unusual job tensions, personality problems, mental impairment, harassment or bad faith, malice or provocation on the part of others involved in the matter.
12. Whether alternate sanctions are adequate and effective to deter the employee or others from such conduct in the future.

## CHAPTER 9. DISCIPLINARY AND ADVERSE ACTIONS

A. General Policy. The primary objective of discipline is to correct an employee's conduct and in some cases performance, while maintaining all employees' high productivity, discipline, and morale. Accordingly, the Coast Guard Exchange System (CGES) and Morale, Well-Being, and Recreation (MWR) Program impose the minimum remedy that reasonably can be expected to meet these objectives. Only if previous disciplinary action has failed to correct an offender or an employee has committed a particularly serious first offense may a supervisor initiate removal. Supervisors will act without regard to race, religion, sex, sexual orientation, color, national origin, age, political affiliation, physical or mental disability, or marital status.

B. Coverage.

1. Covered Actions. Letters of reprimand, suspensions, reductions in grade or pay band level, and removals based on unacceptable conduct and/or in some instances of performance deficiencies if caused more by misconduct than from a lack of skill or ability. For example, if a motor vehicle operator has a job requiring certification (a driver's license), he or she cannot operate a Government vehicle without a license, which is a performance requirement.
2. Excluded Actions.
  - a. An action against an employee serving in a temporary or intermittent appointment.
  - b. An action taken because a temporary position terminates.
  - c. Removal of a probationary employee.
  - d. A reduction in grade or pay band level or removal based solely on unacceptable performance. Refer to Performance Evaluations and Ratings, Chapter 8 of this Manual, for performance based actions.
3. Covered Employees.
  - a. Permanent full-time and part-time employees.
  - b. Seasonal full-time and part-time employees.
4. Excluded Employees.
  - a. Appropriated fund employees.
  - b. Intermittent employees.

c. Probationary employees.

d. Temporary employees.

C. Definitions.

1. Active Duty Status. Any pay status, including authorized overtime, holiday pay, and other forms of premium pay.
2. Bargaining Unit Employee. An employee included in an appropriate bargaining unit for which a labor organization has been granted exclusive recognition.
3. Day. Calendar day.
4. Disciplinary Action. A letter of reprimand; suspension; reduction in grade or pay band level; and removal.
5. Fact-finder. An individual appointed by the initiating official to conduct an investigation into an issue(s) relating to the misconduct of the employee. The fact-finder must be a person who has not been involved in the matter and who does not occupy a position directly subordinate or accountable to any official who recommended, advised, made a decision on, or who otherwise is or was involved in the matter.
6. Official. An individual delegated authority to take an action under this Chapter.
7. Official Case File. A separate file from the employee's Official Personnel File (OPF) containing all disciplinary action documents.
8. Preponderance of the Evidence. That degree of relevant evidence a reasonable person, considering the record as a whole, would accept as sufficient to support a conclusion the matter asserted more likely is true than not true. Grievable adverse actions must be supported by the preponderance of the evidence.
9. Servicing NAF Personnel Office. Nonappropriated Fund Activities with a personnel staff. For others, Commandant (G-WPX) as specified in this Chapter.

D. Staff Support. Commandant (G-WPC) develops policy on disciplinary actions. Managers initiating disciplinary actions and separations should contact their NAF personnel office to ensure contemplated actions conform to this Manual's policies and procedures. If further assistance is required the personnel liaison should contact Commandant (G-WPX). The personnel staff will assist by reviewing letters proposing and effecting such actions to ensure they inform the employee of rights of representation, reply, and review of material on which the action is based and explain grievance procedures.

- E. Relationship to the Employee Assistance Program. The Employee Assistance Program (EAP) supplements but does not replace discipline as a tool for dealing with a problem employee. Discipline seeks to correct the offender's conduct and maintain other employees' discipline and morale. The Employee Assistance Program seeks to correct unsatisfactory performance or conduct before disciplinary action becomes necessary. There is a distinction between offering a problem employee assistance through counseling and taking disciplinary action. In some instances, it will be appropriate and necessary for a supervisor to take both actions if an employee has committed an offense that arose from a personal problem. Refer questions on the relationship between EAP and effective discipline to Commandant (G-WPX).
- F. Relationship to Equal Employment Opportunity Complaints. A supervisor who discovers an employee alleged in writing he or she suffered discrimination based on race, color, sex, sexual orientation, religion, physical or mental disability, age, or national origin should consult the local Civil Rights Officer, if necessary by telephone to minimize delays, before issuing a final decision on a removal action; see Equal Employment Opportunity EEO, Chapter 17 of this Manual. This consultation, however, will not serve to delay management's decision on the action. When deciding the proposed action, the deciding official shall consider any information about discrimination allegations submitted in the employee's or employee's representative's reply. These allegations will be included in the case file. Employees cannot file both a grievance and an EEO complaint.
- G. Preliminary Investigations.
1. Purpose. The preliminary investigation of relevant facts may provide the necessary information to proceed with a specific disciplinary action or eliminate the need for any action.
  2. Gathering Information.
    - a. The supervisor or appointed fact-finder shall assemble any and all information available that would clarify the issues, including documents such as leave records, time cards, office records, disciplinary records, and other pertinent evidence.
    - b. The supervisor or fact-finder may interview previous supervisors, physicians, counselors, and witnesses and ask an employee to submit relevant evidence, such as medical documents, repair bills, bills for professional services, etc., subject to supervisor verification. Supervisors or fact-finders will obtain written statements as necessary and, in serious incidents of misconduct or performance deficiencies, affidavits.
  3. Fact-finding Discussions. Before taking a disciplinary action, the supervisor or fact-finder should hold documented fact-finding discussions with the employee, if available, to determine his or her side of the story. Supervisors or fact-finders can use the Discussion Documentation Sheet (Exhibit 9-1) to assist in acquiring relevant information during these discussions. Supervisors or fact-finders should not inform the employee of

the particular disciplinary action contemplated until they have gathered all the facts and deciding officials have thoroughly considered them.

4. Employee's Right to Union Representation.

- a. Before and during fact-finding discussions, the employee, if a bargaining unit member, may qualify for union representation if he or she so requests it from the exclusively recognized union. The employee must request a union, not a personal, representative.
- b. The meeting purpose is for management to interview the bargaining unit employee in connection with an investigation.
- c. The bargaining unit employee reasonably believes disciplinary action may result from the meeting.
- d. Before interviewing a bargaining unit employee, the supervisor or fact-finder must notify the union of the meeting; its time, place, and date, and the employee has requested union representation.
- e. If an employee requests union representation in the middle of a fact-finding discussion, the supervisor or fact-finder will stop the meeting and provide the exclusive union with an opportunity to be present.
- f. If an employee requests union representation while a supervisor is explaining acceptable standards of conduct or performance to correct minor conduct or performance problems, but the supervisor does not believe disciplinary action will result, the employee is not entitled to union representation. When in doubt discuss any questionable circumstances with Commandant (G-WPX).

- H. Determining Appropriate Action. After completing the preliminary investigation, the supervisor must determine any appropriate corrective action. If the misconduct warrants corrective action, the supervisor should refer to the Schedule of Offenses and Remedies (Exhibit 9-2) which specifies the general range of remedies for specific offenses. The most appropriate remedy is the least serious action that will correct the problem. Also in selecting the remedy, the supervisor should consider any existing relevant factors (see Paragraph Q. of this Chapter). The supervisor should include in the official case file any relevant factors considered. Relevant factors are not required for letters of reprimand.
- I. Disciplinary Actions. Disciplinary actions include letters of reprimand, suspensions, grade or pay band level reductions, and removals. Although these actions usually are progressive, a first incident of misconduct or performance deficiency may be so serious it warrants severe action, including removal from employment. Disciplinary actions become a matter of record in an employee's OPF. The preponderance of the evidence must support disciplinary actions.

1. Letter of Reprimand. Before issuing a letter of reprimand, the least severe disciplinary action, the supervisor will conduct a preliminary investigation and determine appropriate action. The Letter of Reprimand, shown in Exhibit 9-3, requires this information:
  - a. The specific charge(s) of misconduct or performance deficiencies. An example of a charge is “using obscene language to another employee”.
  - b. A warning that future instances of misconduct or performance deficiencies may lead to more severe disciplinary action, up to and including removal from employment.
  - c. Notice that the reprimand will be filed on the temporary side of the employee’s OPF for at least 1 year up to 2 years.
  - d. Notice that the employee has a right to file a grievance under either administrative or negotiated grievance procedures, including the time for filing (deadlines may differ between negotiated and/or administrative procedures, as appropriate).
2. Suspension.
  - a. A supervisor may suspend an employee if a previous action failed to correct a minor incident(s) of misconduct or for a first serious offense. The employee is removed from work status for a specified period of time to impose a financial penalty and give an employee forced time off to think about the misconduct and the importance of keeping his or her job. An employee must be given 7 calendar days advance written notice of the suspension.
  - b. A notice of suspension requires a Notification of Personnel Action, Standard Form 50 (SF-50), which becomes a permanent part of the employee’s Official Personnel File (OPF); Exhibit 9-4 is a sample Notice of Suspension. Before suspending an employee, the supervisor or appropriate designee will conduct a preliminary investigation and determine appropriate action.
  - c. Complete the SF-50 and issue a Notice of Suspension (Exhibit 9-4) with this information:
    - (1) The action is a suspension.
    - (2) The suspension’s inclusive dates and length.
    - (3) The specific charge(s) of employee misconduct.
    - (4) A warning that future instances of misconduct may lead to more severe disciplinary action, up to and including removal from employment.

- (5) The employee's right to review the official case file material that supports the reasons given in the notice, including the name and telephone number of the person to contact to arrange to review the material.
- (6) Notice that the employee has a right to file a grievance under administrative or negotiated grievance procedures, including applicable deadlines, as appropriate.

3. Reduction in Grade or Pay Band Level.

- a. An employee may be reduced in grade or pay band level for a first offense of serious misconduct or performance deficiency or if previous disciplinary action did not correct the situation. Generally, a supervisor takes these actions if he or she expects the employee will be able to perform successfully at the new grade or pay band level. Before reducing an employee's grade or pay band level, the supervisor or appropriate designee will conduct a preliminary investigation and determine appropriate action.
- b. The SF-50, completed as normally required, is the official notice of reduction in grade or pay band level. The supervisor will issue a letter of reduction in grade or pay band level with this information:
  - (1) The action is a reduction in grade or pay band level, as applicable.
  - (2) The effective date of the action.
  - (3) The new job title, series, grade or pay band level, and salary if applicable.
  - (4) Specific charge(s) of employee misconduct or performance deficiencies.
  - (5) A warning that future instances of misconduct or performance deficiencies may lead to more severe disciplinary action, up to and including removal from employment.
  - (6) The employee's right to review the official case file material relied on to support the charge(s), including the name and telephone number of the person to contact to arrange to review the material.
  - (7) Notice the employee has a right to file a grievance under administrative or negotiated grievance procedures, including any applicable deadlines.
- c. Employees will be given 7 calendar days advance notice of these actions.

4. Removals.

- a. In the most severe of disciplinary actions, a supervisor may remove an employee for a first serious offense of misconduct or performance deficiency or if previous disciplinary actions did not correct the situation; Exhibit 9-5 is a sample Notice of

Removal. Before removing an employee, the supervisor or appropriate designee will conduct a preliminary investigation and determine appropriate action.

- b. The SF-50, completed as normally required, is the official notice of removal. The supervisor will issue a Notice of Removal (Exhibit 9-5) with this information:
  - (1) The action is a removal.
  - (2) The action's effective date.
  - (3) Specific charge(s) of employee misconduct or performance deficiencies.
  - (4) The employee's right to review the official case file material relied on to support the charge(s), including the name and telephone number of the person to contact to arrange to review the material.
  - (5) Notice the employee has a right to file a grievance under administrative or negotiated grievance procedures, including any applicable deadlines.
- c. Employees will be given 14 calendar days advance notice of the removal action.
- d. Exceptions to the 14 Calendar Day Advance Notice Requirement. An exception to the requirement for 14 calendar day advance notice of a proposed adverse action, is authorized when:
  - (1) Retention might result in damage to, or loss of, property or funds.
  - (2) Retention might be injurious to the employee, other workers, or the general public.
  - (3) There is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed.
  - (4) Retention might be detrimental to the interests of the Government.
  - (5) The employee committed workplace violence and threatening behavior (see COMDTINST 5370.1A, Workplace Violence and Threatening Behavior).

Advance notice of 24 hours is sufficient in all of the above situations.

#### J. Official Time.

- 1. An employee who is otherwise in a work status is entitled to a reasonable amount of official time to review the material management relied on to make its decision. The supervisor will determine the amount of official time to grant individually. In so determining, the supervisor or manager should consider the charges' gravity and



complexity, the amount of legal or regulatory research involved, and the employee's knowledge of disciplinary proceedings and research abilities. Supervisors should avoid granting more official time than is absolutely necessary.

2. Grant an employee official time only if he or she so requests. If and when the employee requests official time, the supervisor shall grant it for a specified duration at a time reasonably consistent with the workload and the employee's needs. A supervisor should deny an employee's request for official time only if the request clearly is unreasonable.

K. Rejecting A Representative.

1. Reasons to Reject a Representative. A supervisor can reject an employee's chosen representative under these circumstances:
  - a. Conflict of interest, such as a supervisor or management official serving as a representative.
  - b. Conflict of position, such as a Personnel or Equal Employment Opportunity (EEO) Specialist serving as an employee's representative in a case involving a personnel action or EEO matter the employing personnel or EEO office controls, has participated in, or in any way has been involved.
  - c. A cost to the Government.
  - d. A priority work assignment precluding the representative's release.
  - e. A bargaining agreement governs representation for employees in an exclusive bargaining unit and the unit employee's chosen representative violates the agreement's provisions.
2. Procedures to Reject an Employee's Chosen Representative. The written rejection letter should specify the reasons for the rejection; advise the employee of his or her rights to have the rejection reviewed and, if upheld on review, select another representative; specify the date by when the employee must request the review; and any changes to the applicable deadlines for filing the grievance.

L. Considering a Medical Condition(s).

1. Employee's Responsibility. If the employee wishes the initiating official to consider any medical condition contributing to misconduct, the official shall give the employee a reasonable time to furnish medical documentation. Because the employee bears the burden of proof to demonstrate the medical condition exists, that proof reasonably includes the cost of any necessary medical examination. The supervisor and Coast Guard medical personnel, if available, may assist the employee by identifying in writing the necessary, relevant medical documentation. In most cases, a copy of the employee's physician's or hospital records will contain the necessary information.

2. Management's Responsibility. After the deciding official reviews the medical documentation supplied, he or she may require a medical examination. If an employee submits acceptable medical documentation to support his or her medical condition, management may have an affirmative obligation to reasonably accommodate a qualified disabled employee.
- M. Official Case File. The supervisor, designee, and/or the NAF personnel office shall compile an official case file on the action. The record must contain copies of the written notice of action, any written decision on the grievance, and any supporting material, including relevant factors, used to support the decision. The file may include witnesses' statements, affidavits, documents, previous disciplinary action(s) considered in making the decision, and complete investigative reports or extracts. The NAF personnel office destroys reprimand case files 2 years after the case is closed. Suspension, reduction in grade or pay band level, and removal case files shall be destroyed 4 years after the case is closed. Official case files must be separately maintained from the OPF by the NAF personnel office.
- N. Delivering Disciplinary Action Correspondence. When delivering correspondence on a disciplinary action, the official delivering shall note on the correspondence copy the time, date, and place delivered and any unusual circumstances. An official personally delivering disciplinary action correspondence should obtain a written receipt. If an employee refuses to accept the correspondence or is absent, the official shall mail it by both first class and certified mail, return receipt requested, to the employee's last known home address.
- O. Employee's Voluntary Action. An employee confronted by management with a potential disciplinary situation may volunteer to accept a lower grade or pay band level or reassignment or resign in lieu of a disciplinary action. However, management must not coerce the employee into doing so. Management may inform an employee a removal action is contemplated and if he or she resigns before that action occurs, the OPF will not contain such records. Management may not inform the employee he or she must resign or face a removal action, because doing so is coercion, and must be avoided.
- P. Leave Abuse Problems.
1. General.
    - a. If an employee is absent without permission, that employee must appear as Absent Without Leave (AWOL) on his or her time card. If the employee returns to work his or her supervisor should hold a fact-finding discussion with the employee. An AWOL charge supports attendance abuse charges. A supervisor may determine the loss of pay is sufficient motivation to prevent such absences in the future.
    - b. Because Leave Without Pay (LWOP) is an approved absence, supervisors may not attempt to initiate a disciplinary action for an instance of LWOP.

## 2. Letters of Requirement.

- a. A supervisor may issue a letter of requirement to an employee whose use of leave, including unpaid, for medical reasons is excessive or reflects a questionable pattern (see Exhibit 9-6). In this letter a supervisor may impose requirements on an employee that do not apply to the rest of the workforce. Specifically, the supervisor will require the employee to submit a medical certificate for every absence, no matter how short, due to medical reasons. The letter should perform these functions:
  - (1) Define an acceptable medical certificate, e.g., stating the nature of the illness, dates incapacitated, and date seen by the physician, and containing the physician's signature;
  - (2) Advise the employee of the deadline by which he or she must provide acceptable documentation for each instance of illness; and,
  - (3) Impose specific reporting requirements on the employee, for example, by what time and to whom, including an alternate reporting official.
- b. The letter will advise the employee he or she will appear in an AWOL status until he or she provides acceptable medical documentation. While AWOL in and of itself is not a disciplinary action, it may furnish a basis for disciplinary action. A supervisor may change AWOL to an approved leave category only if the employee submits acceptable documentation within the deadline or the approving authority determines circumstances prevented the employee from doing so. The letter should warn the employee failure to follow the prescribed procedures might result in disciplinary action.
- c. A supervisor also may warn the employee about his or her use of annual leave for unplanned absences due to emergencies in a Letter of Requirement. If the employee's use of unplanned leave becomes excessive or is questionable, the supervisor may require the employee to submit documentation, e.g., repair bills, professional receipts for the emergency for the time and date in question.
- d. The supervisor will review a Letter of Requirement after a reasonable period of time, normally at least 6 months after the date issued. The letter of requirement will remain in effect until such time as the employee has demonstrated appropriate use of leave, the expiration of 1 year, or until replaced by a more serious disciplinary action.

Q. Relevant Factors. Management must demonstrate its remedy is reasonable by showing it considered all these applicable factors. Some may not be relevant; some may or may not weigh in the employee's favor. When applicable, initiating officials must apply these factors in suspending, reducing in grade or pay band level, and removing employees:

1. The nature and seriousness of the offense, how it related to the employee's duties, position, and responsibilities, including whether the offense was intentional, technical, inadvertent or was committed maliciously or for gain, or was repeated frequently.
2. The employee's job level, type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.
3. The employee's past disciplinary record.
4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
5. How the offense affected the employee's ability to perform satisfactorily and the supervisor's confidence in the employee's ability to perform assigned duties.
6. Consistency of the remedy with those imposed on other employees for the same or similar offenses.
7. Consistency of the remedy with any applicable agency table of remedies.
8. The notoriety of the offense or its impact on the agency's reputation.
9. How clearly the employee was on notice of any rules he or she violated in committing the offense or had been warned about the conduct in question.
10. The potential for the employee's rehabilitation.
11. Mitigating circumstances surrounding the offense, such as unusual job tensions, personality problems, mental impairment, harassment or bad faith, malice or provocation on the part of others involved in the matter.
12. Whether alternate sanctions are adequate and effective to deter the employee or others from such conduct in the future.

2. Requirements.

a. To initiate the informal procedure, an employee presents a written grievance to his or her immediate supervisor or to the next higher level in the chain of command if the grievance concerns the immediate supervisor and could not be resolved at the supervisor's level; if so, the grievant may elect to bypass the immediate supervisor but must inform the supervisor of this intention. When presenting a grievance, the employee must so inform the informal grievance-deciding official, clearly stating he or she is invoking the grievance procedure and not merely discussing an item for clarification or presenting a problem the employee does not intend to contest.

b. A properly presented informal grievance must:

(1) Be written;

(2) Be filed by the deadline;

(3) Contain sufficient detail to identify and clarify the basis of the grievance;

(4) Specify the corrective action sought and relief directly affecting the grievant.

(5) If chosen, contain the employee representative's name, phone number, and location;

(6) Contain the employee's or chosen representative's signature.

3. Acceptance, Rejection, and Remand. The informal grievance-deciding official determines whether to accept or fully or partly reject any grievance presented (according to Paragraph G.2. of this Chapter). If that official does not have the authority to resolve the matter, he or she contacts Commandant (G-WPX) for procedural guidance. In deciding to accept or reject a grievance, with the assistance of Commandant (G-WPX) the informal grievance-deciding official determines whether the grievance meets the requirements of this Chapter in Paragraph H.2.a. If the grievance does not clearly describe the issues or relief sought, the informal grievance-deciding official may remand the grievance to the grievant for clarification or additional information. The grievant must clarify those matters within 5 calendar days. If the informal grievance-deciding official rejects all or part of the grievance, the employee may contest that decision in writing within 5 calendar days to the formal grievance-deciding official. The formal grievance-deciding official's decision on the rejected issue(s) is final and not subject to further review.

4. Informal Grievance Decision. The informal grievance-deciding official shall investigate the grievance as appropriate, which may include meeting with the grievant and his or her representative. Processing grievances promptly should be a priority responsibility. The informal grievance-deciding official develops a grievance file and provides the grievant a written decision within 15 calendar days of receiving the

employee's written grievance. If the informal deciding official is unable to reply within 15 days, he or she must inform the grievant why he or she needs additional time and indicate when the employee can expect the response. If the informal grievance-deciding official does not reply or request a delay, the grievant may file a formal grievance. The written decision should include these elements:

- a. The date of the informal grievance and the date received;
- b. A statement of the issue(s) the employee's grievance presented and requested relief;
- c. Findings and conclusions on the contested issue(s);
- d. The decision(s) on the contested issue(s). If the informal grievance-deciding official grants the relief the employee requested or an alternate solution satisfactorily resolves the grievance, the decision should include a statement to that effect. If the grievance is not resolved, the decision should state any attempts made to obtain a satisfactory resolution; and
- e. A statement advising the employee how to submit a formal grievance, including the name and location of the formal step deciding official and deadline by when the employee must submit the written grievance.

H. Formal Grievance Procedures. An employee whose grievance is not resolved informally may file a grievance with the formal grievance-deciding official within 5 calendar days after receiving the informal grievance decision. Normally, the formal grievance-deciding official is the next higher level manager, except commanding officers for MWR and Commandant (G-WPX) for CGES. Commanding officers for MWR are always the formal deciding official on removals and suspensions of 15 or more days for MWR employees.

1. Format. A properly presented formal grievance must:
  - a. Be written;
  - b. Be presented within 5 calendar days after the informal grievance decision;
  - c. Contain sufficient detail to identify and clarify the basis of the grievance and discuss only issues raised at the informal step;
  - d. Specify relief applying only to the grievant as the corrective action sought;
  - e. State why the adjustment proposed at the informal step, if any, was unacceptable;
  - f. If chosen, contain your representative's name, phone number, and location;
  - g. Contain your representative's signature.

services that contribute to operational efficiency, economy, or other improvements or significantly reduce administrative, personnel, or other costs.

2. Criteria. A Special Act or Service Award is appropriate to recognize an employee or group of employees who contributed substantially beyond expectations on a specific assignment or job function or an aspect of either. The award supplements performance awards, which recognize employee performance during the entire performance appraisal year and are based on the annual rating of record. Special Act or Service Awards recognize exemplary efforts, such as:
  - a. A nonrecurring contribution either within or outside of job responsibilities.
  - b. An administrative or technical achievement.
  - c. A heroic act.
  - d. Disclosing fraud, waste, or abuse.
  - e. Increased customer service.
3. Determining Extent of Job Responsibility. Special acts or services often are related to an employee's work. However, being related to the employee's job does not automatically mean the contribution is part of the employee's job responsibilities. A contribution can fall within "job responsibilities" if it meets expected job performance requirements. Because an employee contribution and normal job requirements can be very closely related, management frequently must decide whether a contribution recommended for recognition goes beyond what normally is expected of the contributor.
4. Documentation Requirements. The supervisor writes a brief, but explicit, justification describing the superior accomplishments the employee or group of employees performed.
5. Relationship to Other Forms of Recognition. Special Act or Service Awards may be granted together with or in addition to performance awards. However, if recognizing an accomplishment within job responsibilities, performance appraisal-related awards must not have recognized the contribution. The act or service must be nonrecurring and significantly exceed normal job expectations.
6. Group Awards. When a group of employees contributes, all contributing employees including supervisors may share in the award, provided a performance appraisal-related award has not recognized the contribution. The cash award may be granted equally to each employee in the group or in proportion to his or her personal contribution to the achievement.

7. Time Limits. For fairness, maximum employee motivation, and confidence, it is important the award process function quickly and efficiently. Submit nominations whenever appropriate, but within 90 days after the act or achievement meriting the award.
8. Nomination Procedures.
  - a. Send the nomination, justification, proposed citation highlighting significant achievements, and an Award Recommendation Transmittal (Exhibit 8-2) to the CGES manager or MWR officer for regulatory and budgetary review; on return submit these documents to the approving official, who will return nominations disapproved or approved at a lesser or greater cash value with an explanation to the originator.
  - b. The Commander's Award for Civilian Service (Form CG 5514) may accompany the Special Act or Service Award.
9. Approving Authority. Commanding officers for MWR and CGES region managers may approve cash awards up to \$250 and re-delegate this authority to the CGES manager or MWR officer. Commandant (G-WPX) must approve cash awards exceeding \$250.
10. Repeat Awards. Repeat awards are discouraged and management takes care to ensure they are not granted automatically. Reviewing and approving officials and all managers and supervisors should be alert to and correct repetitive nomination patterns. They should ensure they avoid unjustifiably rewarding the same employee's usual performance level and do not repeatedly use awards as compensation for lack of promotion opportunities or rewards for long, faithful service.
11. Presentation. Present awards to recipients at appropriate ceremonies as soon as practical after approval. In addition, publicize them consistent with local command, MWR, or CGES procedures.

K. Career Service and Retirement Recognition.

1. Service emblems.
  - a. The Coast Guard awards emblems to NAF employees to recognize their creditable service with the Federal Government. That service need not be continuous and should include all service in Coast Guard and other agencies.
  - b. Lapel pin service emblems, available from Commandant (G-WPX), are granted at increments of 5, 10, 15, 20, 25, and 30 years of service.
  - c. Supervisors should present service emblems with appropriate ceremony.



K. Placing Employees Affected by a Reduction in Force (RIF).

1. When a RIF action will force an employee from his or her position, management will place him or her in another NAF position in the competitive area, reduce his or her hours, or separate that employee from the rolls.
2. A Group I (completed probation) employee forced to separate from his or her position by a RIF action is entitled to one offer of an available position, provided he or she is qualified and an employee in a lower group occupies the position. An employee is not entitled to the offer of a vacant position, although at its discretion management can offer a vacant position, if the employee is qualified or can perform the new position's full duties within a 90-day trial period. The position may not carry a higher grade, pay band level, or representative pay rate. Management may put the employee in a higher grade or pay band position if it selected him or her under proper merit promotion procedures. Each offer will specify the preferred position's title, grade or pay band level, salary, location, and hours of duty. The employee may accept or reject the offer. If the employee fails to reply within 5 calendar days, management will consider such failure a declination. No further offer is required.
3. An available position is one in the same competitive area for which the employee is qualified and meets all these conditions:
  - a. The position is in the same NF pay band or NA, NL, or NS grade.
  - b. The position carries the same grade, pay band, or representative pay rate as the employee's present one.
  - c. The position will last at least 3 months.
  - d. An employee whom the affected employee is entitled to displace (with a lower retention score) occupies the position.
4. If possible, the available position will have the same grade, pay band level, representative rate of pay, and number of duty hours per week as the employee's current position. If such a position is not available, it is proper for management to offer an available position at a lower grade, pay band level, or lower pay rate or with fewer weekly working hours. Management may properly offer a temporary position only if a permanent position is not available. Management may properly offer an employee who has served in a full-time position a regularly scheduled, part-time position only if a full-time position is not available. Management is not required to offer any employee an intermittent position.
5. If management cannot place an employee in a position under the provisions above and cannot make a better offer on the basis of group seniority, the employee is entitled to an offer of the last position from which he or she was promoted, provided an employee

with a lower retention score than the separating employee occupies the position.

6. In lieu of a required offer, management can offer a vacant position or, if two or more positions exist, can offer any of them. The employee is not entitled to a position at a higher grade, pay band level, or representative rate of pay than the position he or she occupied when the retention register was established.
7. Management has the discretion to administratively reassign employees affected by a RIF action and others and in fact should administratively place as many employees as possible to reduce the number of separations and provide further career opportunities.

L. Reduction in Force Records.

1. The servicing personnel office will establish all records necessary to determine competing employees' retention standing and retain these records for 1 year after issuing the RIF notices. These records will include this information:
  - a. Identification of the surplus positions, including whether full-time or part-time.
  - b. A copy of the retention register.
  - c. Copies of all advance notices and any amendments.
  - d. Copies of all assignment offers, if any, replies, or statements it received no replies.
  - e. The affected employees' organizational location.
  - f. Copies of all official personnel actions taken as a result or in lieu of the RIF.

M. Reviewing Reduction in Force (RIF) Actions.

1. At the request of an affected employee, the servicing personnel office will review a RIF action. The employee may request the review at any time between receiving the advance notice and 15 calendar days after the action's effective date.
2. The personnel office will review a RIF action only for these issues:
  - a. Accuracy of computing the RIF score.
  - b. Whether the employee was properly notified and received notice of his or her release from the competitive level.
  - c. The adequacies of the RIF notice.
  - d. The length of the notice period.

- e. Whether the Office made an offer when an available position existed.
  - f. Failure to provide reasons for exceptions to retention order.
3. The Personnel Office will not review these matters.
- a. The determination the RIF was necessary.
  - b. The type and number of jobs declared surplus.
  - c. The RIF's effective date.
  - d. The position offered the employee, if management determines the personnel office followed this Chapter's provisions about making an offer.
4. If after review the employee is not satisfied with explanation of the action taken, employee will be advised of the procedures for initiating a formal grievance. The grievance must be presented within 15 calendar days after the effective date of the action and can only pertain to matters outlined in Paragraph M.2. of this Chapter.
- N. Reemployment Priority List. Each command for MWR and Commandant (G-WPX) separating employees from their positions in a RIF action will retain such employees' names for 1 year on a reemployment priority list. If a vacancy occurs in the former position's competitive level, management will offer the position to listed employees in the order of their retention scores, beginning with the highest. The personnel office will delete an employee separated from a regular full-time position when he or she accepts or declines a regular full-time position with the same representative rate as the previous position. The personnel office will follow an identical procedure in removing a former part-time employee from the list after offering a permanent full-time or part-time position. Appointment under this paragraph is not subject to competitive procedures.
- O. Special Instructions for Reducing Regularly Scheduled Duty Hours.
- 1. Change of Employment Category. The unit will follow normal RIF and official notification procedures if reducing the regularly scheduled hours of duty per week changes the employment category as follows (see Exhibit 12-1):
    - a. Permanent part-time changes to intermittent employment.
    - b. Permanent full-time changes to permanent part-time or intermittent employment.
  - 2. Reducing Hours. The unit will not follow Reduction in Force procedures if it reduces the regularly scheduled weekly duty hours to a weekly schedule of fewer hours than specified for the position when appointed but does not change the initial condition of employment category.

- a. At least 14 calendar days before the reduction's effective date, the unit will give the employee a written notice advising it will reduce the regularly scheduled duty hours. A decision notice is not required.
  - b. The notice will contain this information:
    - (1) The effective date of the reduction in duty hours.
    - (2) The number of regularly scheduled hours each week the employee will work after the reduction's effective date.
    - (3) A statement the employee will continue to serve in the position with the reduced number of hours unless he or she chooses to resign.
    - (4) If the employee retains his or her existing pay rate, a statement the reduced duty hours will not affect the current hourly rate.
    - (5) The personnel office will give the employee a Notification of Personnel Action, Standard Form 50 (SF-50).
- P. Dissolving a Nonappropriated Fund Activity. If Commandant (G-WPX) determines to dissolve a NAF activity and abolish all its functions and positions, management will follow the usual RIF procedures, except for these two:
- 1. Management will give each employee 60 calendar days notice and afterwards separate employees in inverse order of their standing on a retention register. The activity may retain employees required to close out the activity up to 30 calendar days after the 60 calendar days expire. The activity will select such employees based on their standing on a retention register.
  - 2. The servicing personnel office will process the personnel actions. If the employing command deactivates before all the NAF personnel actions have been processed, Commandant (G-WPX) will complete processing the personnel actions.



## CHAPTER 18. PERSONNEL RECORDS, FILES, AND REPORTS

- A. Introduction. This Chapter prescribes policies and procedures for establishing, maintaining, and handling nonappropriated fund (NAF) personnel records, files, and reporting systems.
- B. Exceptions. To promote administrative efficiency, follow the uniform record-keeping system described in this Chapter as closely as possible. Commandant (G-WPC) must approve in advance any deviations from this Chapter's procedures or forms. Send requests for exceptions from procedures through the chain of command to Commandant (G-WPC). Maintain letters approving such exceptions for management evaluation audits to support any deviations from the prescribed system.
- C. Records Systems.
  - 1. This Chapter prescribes the uniform personnel record and file systems. The forms, records, and procedures that together make up the system are designed so staff can keep these records easily and efficiently.
  - 2. File systems are designed to integrate personnel records with other administrative devices to improve administrative control and service to the employee. Records contain current personnel information for management throughout the organization to use. Immediate supervisors have their subordinates' individual data. This Chapter provides record-keeping guidance to record additional data as actions occur daily. The systems provide the personnel office with:
    - a. A comprehensive, continuing record of each employee's service, status, skills, and other personal history.
    - b. A central control over pending personnel actions.
    - c. A reminder system for following up required personnel actions.
    - d. Basic data needed to determine pay, benefits, and qualifications.
    - e. Data used to prepare retention registers.
    - f. Basic data for preparing and verifying personnel reports, work measurement statistics, and evaluating personnel actions taken during any specific period.
    - g. A record of employees filed alphabetically, organizationally, or by Social Security Number.

- D. Duplication. Personnel actions originate in an operating office using basic personnel information sources such as the Official Personnel Folder. Only the servicing personnel office may keep these source records. Duplicate records at other organizational levels are not authorized.
- E. Records Disposal. The personnel office maintains personnel records up to 180 days after separation, termination, or retirement, and then sends them by first class mail to: National Personnel Records Center, GSA (Civilian Personnel Records, Nonappropriated Fund Section), 111 Winnebago Street, St. Louis, MO 63118. Seasonal and leave-without-pay (LWOP) status employees' records remain at the activity until their employment terminates.
- F. Definitions.
1. Access. Providing official personnel records or copies of them to an employee or his or her designated representative.
  2. Data Subject. The person about whom an activity or Headquarters maintains information in both a paper and/or electronic record system.
  3. Disclosure. Providing an employee's records or data to someone other than the individual data subject.
  4. Information. Records containing employee data required to conduct official business as defined by statute, regulation, or administrative procedure.
  5. Long-Term Record. The information in the right-hand side of the Official Personnel Folder (OPF), formerly called the "permanent" record; see Paragraphs I.1. and 2. of this Chapter.
  6. Maintain. Includes collect, use, amend, or disseminate.
  7. Official Personnel Folder (OPF), Standard Form 66 (SF-66). An SF-66 file established and maintained for each employee containing records and documents on nonappropriated fund civilian employment.
  8. Personnel Action. The record of any action processed to appoint, effect, or separate an employee by using a Notification of Personnel Action, Standard Form 50 (SF-50).
  9. Personnel Record. Any person's record maintained and used in the personnel management or policy-setting process.
  10. Personnel System. A system established by statute for the Civil Service and regulation for the nonappropriated fund system.

11. Record. Any document or collection of documents about an employee an agency maintains.
12. System of Records. A group of records under an agency's control from which information is retrieved by the person's name or by some identifying number or symbol assigned to the person.
13. Temporary Record. The information on the left-hand side of the Official Personnel Folder. In most cases, it does not accompany the OPF, but may be returned to the employee or destroyed either after he or she leaves the activity or in accordance with a records disposition schedule; see Paragraphs I.1. and 2 of this Chapter.

G. Official Personnel Folder (OPF).

1. On each NAF employee's initial appointment, his or her personnel office will establish an Official Personnel Folder and maintain in it all official personnel documents effected during the employee's service, as prescribed in this Chapter. If an employee transfers to another NAF activity or is employed after a break in service, the personnel office shall use a Standard Form 127 (SF-127) to request the OPF from the previous employer or the National Personnel Records Center, GSA (Civilian Personnel Records, Nonappropriated Fund Section), 111 Winnebago Street, St. Louis, MO 63118.
2. Because NAF employees' OPF specifications are similar to appropriated fund employees', the personnel office will mark the outside of the folder in one-half inch letters "NONAPPROPRIATED FUND EMPLOYEE" and affix a label to each folder showing the employee's name, birth date, and Social Security Number.

H. Official Personnel Folder (OPF) Documents.

1. Fasten these records on the OPF's right side:
  - a. OF-612, Application for Federal Employment, resume or any other written format used as an application.
  - b. College transcript or diploma if the position specifies an educational requirement.
  - c. SF-61, Appointment Affidavit.
  - d. Immigration and Naturalization Service (INS) Form I-9, Employment Eligibility Verification.
  - e. SF-50, Notification of Personnel Action.
  - f. Resignations or retirements.



- g. Health, life insurance, and retirement forms.
  - h. SF-85, Data for Non-sensitive, Non-critical Position.
  - i. DD 214, Certificate of Release or Discharge from Active Duty.
  - j. Evidence of Proof of Death.
  - k. Reduction in Force Notice.
  - l. Training Forms for Government and non-Government courses.
  - m. SF-127, Request for Official Personnel Folder.
  - n. Suspensions, terminations, notice of a decision to effect disciplinary and adverse actions, notice of a proposed disciplinary or adverse action and notice of cancellation of a disciplinary and adverse action.
  - o. Standard Position Guide or Position Description.
  - p. Employee Performance Folder (Performance Ratings of Record for last 3 years).
  - q. Notice of Injury or Occupational Disease.
  - r. Certificate of Medical Examination (SF-78) when required.
2. Fasten these records on the OPF's left (temporary) side:
- a. Letters of reprimand, or similar disciplinary actions based on conduct.
  - b. SF-52, Request for Personnel Action.
  - c. Correspondence between the employee and agency on work-related subjects, e.g., leave matters, name change requests, life and health insurance, etc.
  - d. Permanent Change of Station travel agreements.
  - e. Orientation checklists.
  - f. Requests for and approvals of training.
  - g. DOT Form 3300.1, Employment Inquiry (Exhibit 3-2).
  - h. Standards of Conduct.
  - i. Unemployment Acknowledgement Statement (see page 15-2, E.1.).
  - j. Work Rules Acknowledgement Statement.

3. It is prohibited to file these records and documents in the OPF:

- a. Investigative records or reports.
- b. Indebtedness Letters.
- c. Garnishment Letters.
- d. Grievance files and correspondence.
- e. Appeal files and correspondence.
- f. Reconsideration files and correspondence.
- g. Reference or recommendation letters.
- h. Correspondence from a member of the public complaining about an employee.
- i. Photographs.
- j. Copies of speeches and publications.

I. Safeguarding Personnel Records.

- 1. Only medical certificate and any other medical records of examinations used to determine an employee fitness for duty are considered permanent records. Medical examinations and other miscellaneous medical records not related to fitness for duty, remain under the local medical facility's control or kept in a separate, locked cabinet during the employee's service. **Do not fasten them in the OPF.**
- 2. Responsible officials will take these necessary steps to protect NAF employees' confidential files and OPF's.
- 3. Only the employee's name, position, title, grade or pay band, salary, and duty station can be released to the public, with these exceptions:
  - a. Law, Executive Order, or regulation in the interest of national security prohibits releasing the information.
  - b. The responsible official believes the recipient will use such information for purposes that violate the regulatory prohibition against NAF employees' political activity.
- 4. In addition to information listed in Paragraph I.3. and I.4., a prospective employer may be given the following about a former employee:

- a. The employee's type of appointment: regular, temporary, term, conditional, permanent, or intermittent.
  - b. Whether the employee has completed his or her probationary period.
  - c. Length of Coast Guard Exchange Service (CGES) and Morale, Well-Being and Recreation (MWR) service.
  - d. The date and reason for separation.
5. Personnel offices may give police or court officials the information listed in Paragraphs I.3. and I.4. above and an employee's home address. Such officials must furnish an appropriate request stating an indictment has been returned or a complaint, information, accusation, or other writ involving nonsupport or a criminal offense has been filed against the employee and the address is needed to serve a summons, warrant, subpoena, or other legal process.
6. A current or former employee will be permitted access to the information in his or her OPF only in the presence of an official responsible for the OPF's physical custody.
7. The servicing personnel office will retain control of Official Personnel Folders in a locked cabinet at all times. Commandant (G-WPC-2) will maintain OPF's for NAF employees at Coast Guard Headquarters in the Office of Civilian Personnel.
8. Before releasing an OPF to the National Records Center or another appointing office, servicing personnel offices will review the OPF to ensure:
  - a. To properly include all outstanding permanent records arranged in chronological order and securely fastened on the right side.
  - b. To remove and destroy all temporary records on the OPF's left side except in a transfer of function. If sending an OPF to another Coast Guard employing office, temporary records may remain in the folder.
  - c. To remove all unauthorized and exact duplicates of records in the OPF.
9. When an employee transfers to another NAF activity, the current activity will send the employee's OPF promptly on receiving an SF-127. If an employee does not transfer but is separated, and another NAF unit employs him or her within 180 days, the former unit shall send the OPF promptly to the gaining unit on receiving the SF-127.
10. When an employee separates from a NAF unit and is not subsequently employed by another NAF unit, the servicing personnel office shall follow this Section in disposing of the OPF.

## CHAPTER 19. SEPARATIONS

- A. General Policy. This Chapter sets forth policy and procedures for the administration and processing of actions for voluntary and involuntary separations. Voluntary separations are usually those initiated by the employee while management initiates involuntary separations. The following policy defines the various types of separations and the effect of those separations on benefits.
- B. Actions Covered. Resignations, retirement, separations during the probationary period, cancellation of intermittent and temporary appointments, disability, death, and abandonment of position.
- C. Actions Excluded. Removals based on unacceptable conduct and performance. Refer to Chapter 9, Disciplinary and Adverse Actions, for conduct-based separations. Refer to Chapter 8, Performance Evaluations and Ratings, for performance-based actions.
- D. Voluntary Separations.
  - 1. Resignations. In the case of separation by resignation, the employee shall submit his or her resignation in writing using a Request for Personnel Action, Standard Form 52 (SF-52), to the servicing personnel office via the employee's supervisor. The reason and effective date will be noted on the SF-52. Requests for withdrawal of resignations may be granted if the employee submits the request before the effective date of the resignation and/or the position has not been filled. Employees should give 14 calendar days notice of their intent to resign.
  - 2. Retirement.
    - a. Normal Retirement. Normal retirement is the first **day** of the month that falls on or follows your 62<sup>nd</sup> birthday or the completion of 5 years of continuous service, whichever is later.
    - b. Voluntary Early Retirement (unreduced benefit). If an employee is 55 years of age and has completed at least 30 years of continuous service or if the employee is 60 years of age and has completed 20 years of continuous service he or she will receive the full retirement benefit.
    - c. Optional Early Retirement (reduced benefit). An employee may retire before his or her normal retirement date if he or she is 52 years of age and has completed at least 5 years of continuous service. This benefit is reduced by 4 percent for every year he or she is under age 62.

E. Involuntary Separations.

1. An employee may retire if he or she is involuntarily separated from employment, except for disability or conduct, and is age 50 with 20 years of continuous service or has completed 25 years of continuous service at any age. His or her benefit will be reduced by 2 percent for every year under age 55.
2. An intermittent regularly scheduled employee should be given an advance notice of 14 calendar days prior to separation. This may be accomplished by a properly completed SF-50 delivered 14 calendar days in advance or a notice of removal letter with a 14 calendar day notice period. An intermittent when actually employed (WAE) employees may be separated at any time, with no advance notice. Reduction in force and adverse action procedures are not applicable to separation of any kind of intermittent employees. Periodic reviews will be made to ensure intermittent employees who are no longer needed are separated from the rolls.
3. A temporary employee may be terminated at any time if the conditions warrant. When termination of an appointment is to occur prior to the expiration date specified on the SF-50, a written notice will be issued as far in advance of the termination date as possible, but not less than 24 hours. An SF-50 indicating separation from temporary appointment may be used as the written notice.
4. An employee may be separated if it is determined that the employee has abandoned his or her position. An employee who fails to report for duty and is carried in an absent without leave (AWOL) status for 1 complete workweek will be determined to have abandoned his or her position regardless of any expressed intent to return to duty at a subsequent day. Advance notice is not required to effect the separation action. The SF-50 notifying the employee of the separation action will be mailed to the employee's last known address. .
5. An employee may be separated during his/her probationary period if he or she fails to demonstrate he or she possesses the skills or character for satisfactory performance in the position. Each employee should receive a fair time period in the position to show suitability for the job.
  - a. The supervisor is responsible for determining whether the employee's performance, conduct or character is such to warrant separation. Supervisors will discuss with the employee specific reasons that led them to conclude the employee is unsatisfactory. The supervisor will prepare a record of the discussion, put it in the employee's Official Personnel File (OPF) and give a copy to the employee. The supervisor will allow a reasonable length of time after the discussion to determine whether the employee has improved.
  - b. If it becomes apparent, after a fair period, that the employee's conduct, character or capabilities are not suitable for satisfactory service, the supervisor must initiate action to separate the employee. The supervisor will begin separation action in time to give

the employee 7 calendar days advance notice before the effective separation date unless retaining the employee in a duty status might:

- (1) Result in damage or loss of property or funds.
  - (2) Be detrimental to the activity interest.
  - (3) Injure the employee, his or her fellow workers, or the general public.
- c. The supervisor will notify the employee on an SF-50 and advise him or her that adverse action procedures covered in Chapter 9 of this Manual do not apply and the separation cannot be appealed through the administrative grievance procedures contained in Chapter 10 of this Manual.
  - d. All separation notices must be issued before the end of the employee's tour of duty on the last day of the probationary period. If the 1-year date falls outside the employee's tour of duty (such as a weekend), the effective date is the last workday preceding the 1-year expiration date.
6. When an appropriate medical authority determines an employee has become physically or mentally incapable of performing his or her assigned duties, the employer should make every effort to reasonably accommodate the individual and explore possible solutions to the employee's problem. Possible courses of action include reassigning at the same or a lower level, sick leave, leave without pay, or disability, if eligible. If none of these actions are appropriate, the employee will be separated as disqualified, using this Manual's Chapter 9 adverse action procedures in separating permanent employees. If the employee claims a "disabling condition," contact Commandant (G-WPX) for further guidance.
  7. Employees may be separated as disqualified if they:
    - a. Are barred by the commanding officer from the assigned unit;
    - b. Lose possession/entitlement for 30 calendar days to licenses or certificates necessary to perform their job due to administrative or legal actions;
    - c. Refuses or repeatedly fail to submit to required physical examinations;
    - d. Become ineligible for continued employment due to marriage to another employee, which creates an employee/supervisory relationship. Before effecting separation, make every effort to reassign the employee.
    - e. Becomes ineligible for continued employment by operation of laws, treaties, or international agreement.
  8. Separation of regular employees for cause will be effected in accordance with procedures in Chapter 9 of this Manual.

9. Off duty military employees must be separated from employment upon written request of the military member's commanding officer.
  10. An employee may be separated when they fail/cannot return to duty after expiration of an authorized period of LWOP. The effective date will be the day after the expiration of the authorized LWOP. Advance notice is not required.
- F. Processing Procedures. All separation actions will be documented on an SF-52 and forwarded to the personnel office for processing. The personnel office will prepare an SF-50, issue one copy to payroll, one copy to the employee and file one copy in the employee's official personnel folder.

## CHAPTER 21. FORMS

- A. General Policy. The primary objective of this Chapter is to provide copies of the forms mentioned throughout this Manual and/or instructions in obtaining these forms.
- B. Coverage. The following table is a list of the forms described above. Although all forms listed below are mentioned in this Manual, few forms have not been included due to formatting reasons or variances of some forms. The table does provide an alternate source in obtaining forms.

Form #	Form Title	Stock ##	Stock Point	To Obtain Form	Page ##
CG 3430.8R	U.S. Coast Guard Performance Plan and Evaluation (NAF Pay Bands & Crafts and Trade)	N/A	Jetfiller	Jetfiller	21-3
CG 5514	Commander's Award For Civilian Service	N/A	G-WPX	G-WPX	21-4
DOT 3200.2	Recommendation for Secretarial Award	N/A	Jetfiller	Jetfiller	21-5
LS 242	Notice to Employees (Compensation Notice)	N/A	Servicing Personnel Office	USCG NAF Worker's Compensation Procedures Guide	21-6
OF 8	Position Description	N/A	Servicing Personnel Office	G-WPX or Internet Address: <a href="http://www.opm.gov">www.opm.gov</a>	21-7
OF 612	Optional Application for Federal Employment	NSN 7540-01-351-9178	Servicing Personnel Office	GSA Internet Address: <a href="http://www.gsa.gov">www.gsa.gov</a>	21-8
SF 8	Notice to Federal Employee About Unemployment Insurance	NSN 7540-00-634-3964	Servicing Personnel Office	GSA Internet Address: <a href="http://www.gsa.gov">www.gsa.gov</a>	21-9
SF 50	Notification of Personnel Action	NSN 7540-01-333-6236	Servicing Personnel Office	GSA Internet Address: <a href="http://www.gsa.gov">www.gsa.gov</a>	21-10
SF52	Request for Personnel Action	N/A	Jetfiller	Jetfiller	21-11
SF 61	Appointment Affidavit	NSN 7540-00-634-4015	GSA	GSA Internet Address: <a href="http://www.gsa.gov">www.gsa.gov</a>	21-12
SF 66	Official Personnel Folder	NSN 7540-00-222-3442	Servicing Personnel Office	GSA Internet Address: <a href="http://www.gsa.gov">www.gsa.gov</a>	Not Included
SF 71	Request for Leave or Approved Absence	N/A	Jetfiller	Jetfiller	21-13
SF78	Certificate of Medical Examination	N/A	Jetfiller	Jetfiller	21-14
SF 85	Questionnaire for Non-Sensitive Positions	OMB No. 3206-0005 NSN 7540-00-634-4035	Jetfiller	Jetfiller	21-15
SF 93	Report of Medical History	N/A	Jetfiller	Jetfiller	21-16



<b>Form #</b>	<b>Form Title</b>	<b>Stock ##</b>	<b>Stock Point</b>	<b>To Obtain Form</b>	<b>Page ##</b>
SF 127	Request for Official Personnel Folder (Separated Employee)	NSN 7540-00-634-4083	GSA	GSA	21-17
SF 182	Request, Authorization, Agreement and Certification of Training (5 PTS)	N/A	GSA Commandant (G-SII)	Jetfiller	21-18
SF 258	Agreement to Transfer Records to the National Archives of the United States	N/A	Jetfiller	Jetfiller	21-19
SF 813	Verification of Military Retiree's Service in Nonwartime Campaigns or Expeditions	N/A	Servicing Personnel Office	G-WPX or Internet Address: <a href="http://www.opm.gov">www.opm.gov</a>	21-20
U.S. Department of Justice Form I-9	Employment Eligibility Verification	N/A	Servicing Personnel Office	G-WPX or Internet Address: <a href="http://uscg.mil/hq/cgpc/cpm/home/index.htm">uscg.mil/hq/cgpc/cpm/home/index.htm</a>	21-21
U.S. Department of the Treasury IRS Form 4070	Employee's Report on Tips	N/A	IRS	IRS	21-22
U.S. Department of the Treasury IRS Form W-2	Wage & Tax Statement	N/A	IRS	IRS	Not Included
U.S. Department of the Treasury IRS Form W-4	Employees Withholding Exemption Certificate	N/A	IRS	Local State and/or IRS Office	Not Included